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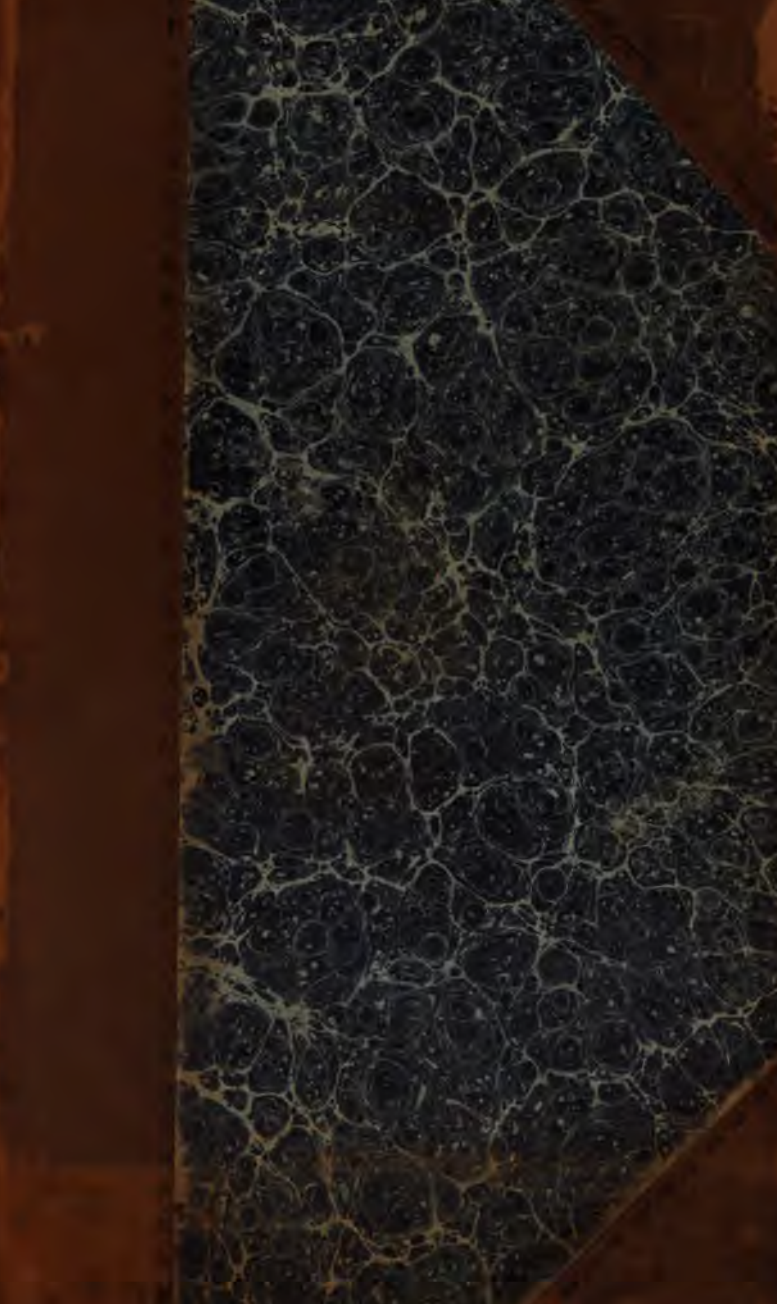
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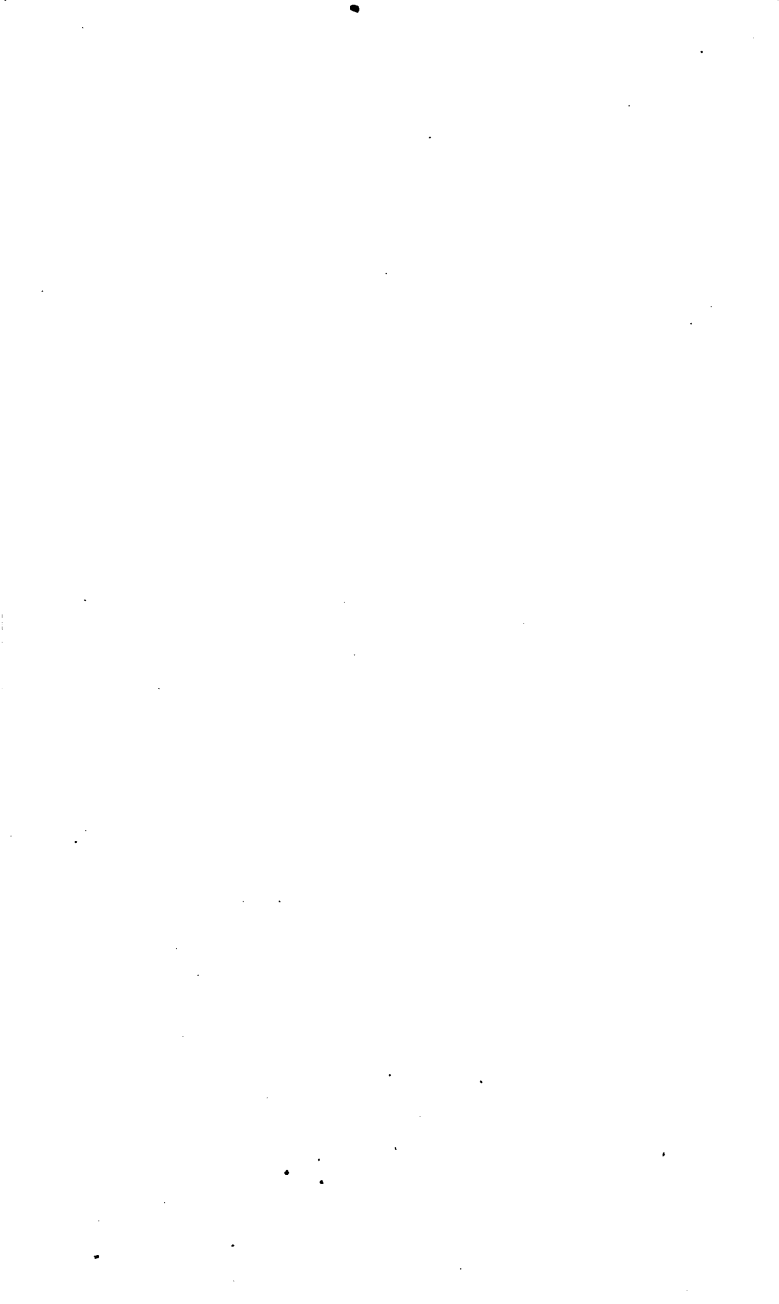
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AN
ABSTRACT
OF
GENERAL GEOGRAPHY,
COMPREHENDING
A MORE MINUTE DESCRIPTION
OF THE
BRITISH EMPIRE;
AND OF
PALESTINE, OR THE HOLY LAND.

WITH NUMEROUS EXERCISES.

FOR THE USE OF JUNIOR CLASSES.

BY JOHN WHITE,
TEACHER OF ENGLISH, GEOGRAPHY, AND HISTORY,
North St David Street, Edinburgh.

FIFTH EDITION.



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AN ABSTRACT OF GENERAL GEOGRAPHY, &c

GEOGRAPHICAL DEFINITIONS.

GEOGRAPHY means a description of the earth. A *Map* is a drawing or picture of the surface of the earth, or of a part of it. The *top* of a map is north; the *bottom*, south; the *right-hand side*, east; the *left-hand side*, west.

The surface of the earth consists of *land* and *water*. The *land* consists of continents and islands;—the *water*, of oceans, seas, lakes, and rivers.

A *Continent* is the greatest portion of land, nowhere entirely separated by water. A *Country* is a large tract of land known by a particular name. An *Island* is much smaller than a continent, and wholly surrounded by water. A *Peninsula* is a portion of land almost surrounded by water.

An *Isthmus* is a narrow portion of land, joining two larger portions together. A *Cape*, *Promontory*, *Point*, *Head*, *Naze*, *Ness*, or *Mull*, is the extremity of a portion of land stretching into the sea. A *Coast* or *Shore* is that part of the land which borders on the sea.

An *Ocean* is the largest division of salt water. A *Sea* is a smaller division than an ocean. A *Bay* and *Gulf* are parts of the sea running into the land. A *Strait* is a narrow passage of water joining two seas. A *Lake* is a collection of water surrounded by land. A *Frith* or *Estuary* is the widening of a river into an arm of the sea. A *River* is a considerable stream of water, running into the sea, or into a larger river.

The *Equator* is the line that divides the *map of the world* into *northern* and *southern hemispheres* or *halves*. The *Poles* are ninety degrees on each side from the equator. *Parallels of Latitude* are the lines drawn from side to side of the map.

The *Tropic of Cancer* is about twenty-three degrees and a half north from the equator; and the *Tropic of Capricorn*, the same distance south from it. The *Arctic Circle* is about twenty-three degrees and a half from the north pole; and the *Antarctic*, the same distance from the south pole.

These circles divide the globe into five portions or belts, called *zones*,—viz. the torrid zone, the north and south temperate, and the north and south frigid zones. The *Torrid Zone* is between the tropics; the *North Temperate*, between the tropic of Cancer and the arctic circle; the *South Temperate*, between the tropic of Capricorn and the antarctic circle; the *North Frigid*, between the arctic circle and the north pole; and the *South Frigid*, between the antarctic circle and the south pole.

Meridians are the lines that pass from pole to pole through the equator. The meridian that passes through London or Greenwich is called the *First Meridian*.

Longitude is the distance of a place *east* or *west* from the first meridian: the greatest longitude is one hundred and eighty degrees. *Latitude* is the distance of a place *north* or *south* from the equator: the greatest latitude is ninety degrees. On the *map of the world*, the degrees of latitude are marked on the *circles* that surround each hemisphere, and those of longitude on the *equator*. On the map of a *particular country*, the degrees of latitude are marked on the *sides*, and those of longitude at the *top* and *bottom*.

EXERCISES.

What does the word geography mean? Of what does the surface of the earth consist? What is a continent? What is an ocean? What do you call the line that divides the map of the world into northern and southern hemispheres? How many degrees of latitude are between the equator and each tropic? What is the meridian that passes through Greenwich called?

What is the greatest longitude, counting either east or west from the first meridian? What is a map? What is a country? What is meant by a sea? What is the distance of each pole from the equator? What is longitude? What is an island? What is a lake? Name the five zones, and tell where they are situate. What is the distance of the arctic circle from the north pole?

What is a peninsula? What is an isthmus? What is a strait? What are the lines that extend from one side of a map to the other called? What are those lines called that are drawn from the top to the bottom? What is latitude? What are the different names given to portions of land which stretch into the sea? What are those parts of the sea called that extend into the land? What is a frith or estuary? What is the distance of the antarctic circle from the south pole?

MAP OF THE WORLD.

CONTINENTS.—Europe, Asia, Africa, North America, South America.

OCEANS.—The *Atlantic Ocean* separates Europe and Africa from America; the *Pacific Ocean* separates Asia and New Holland from America; the *Indian Ocean* is south of Asia, and extends from Africa to New Holland; the *Northern Ocean* extends from the North of Europe, Asia, and America, to the north pole; the *Southern Ocean* extends from the south of America, Africa, and New Holland, to the south pole.

EUROPE

Is bounded on the North by the Northern Ocean; on the West, by the Atlantic Ocean; on the South, by the

Mediterranean ; and on the East, by Asia, the Black Sea, the Sea of Marmora, and the Archipelago.

COUNTRIES in Europe with their CHIEF TOWNS.

ENGLAND.—*Chief Towns*.—LONDON, on the river Thames ; *Liverpool*, on the Mersey ; *Manchester*, on the Irwell ; *Birmingham*, in the interior ; *Leeds*, on the Aire ; *Bristol*, on the Avon.

SCOTLAND.—*Chief Towns*.—EDINBURGH, near the Frith of Forth ; *Glasgow*, on the Clyde ; *New Aberdeen*, on the Dee ; *Dundee*, on the Frith of Tay ; *Paisley*, on the Cart ; *Greenock*, on the Frith of Clyde.

IRELAND.—*Chief Towns*.—DUBLIN, on the Liffey ; *Cork*, at the mouth of the Lee ; *Limerick*, on the Shannon ; *Belfast*, at the head of Carrickfergus Bay ; *Waterford*, at the mouth of the Suir ; *Galway*, on Galway Bay.

PORTUGAL.—*Chief Towns*.—LISBON, on the Tagus, almost destroyed by an earthquake in seventeen hundred and fifty-five ; *Oporto*, on the Douro, noted for its trade in port-wine ; *Elvas*, in the east, near the Guadiana ; *Braga*, near the Cavado ; *St Ubes* or *Setuval*, at the mouth of the Cadaon ; *Coimbra*, on the Mondego, famous for its university.

SPAIN.—*Chief Towns*.—MADRID, on the Manzanares ; *Seville*, in the south-west, on the Guadalquivir ; *Barcelona*, in the north-east, on the coast of the Mediterranean ; *Valencia*, on the east coast, at the mouth of the Guadalaviar ; *Cadix*, the principal seaport of Spain, in the south-west, on the Isle de Leon ; *Granada*, in the south, the ancient capital of the Moorish kings ; *Saragossa*, on the Ebro, famous for its gallant defence against the French ; *Gibraltar*, in the south, a remarkably strong fortress, belonging to the English.

FRANCE.—*Chief Towns*.—PARIS, on the Seine, near

to London, the largest city in Europe; *Lyons*, at the junction of the Rhone and Saone, noted for its silk manufactures; *Marseilles*, on the coast of the Mediterranean; *Boen*, on the Seine; *Nantes*, in the west, on the Loire; *Bordeaux*, in the south-west, on the Garonne; *Lille*, in the north, on the Deule; *Brest*, on the west coast, and *Toulon*, on the Mediterranean, the chief stations for the French navy.

SWITZERLAND.—*Chief Towns*.—BERNE, on the Aar; Geneva, at the western extremity of the Lake of Geneva; Basle, on the Rhine; Lausanne, on the north of the Lake of Geneva; Zurich, on the northern extremity of the Lake of Zurich.

ITALY.—*Chief Towns*.—ROME, on the Tiber, the capital of the Pope's dominions, contains some of the finest buildings, ancient and modern, of any city in the world; Naples, on the west coast, the capital of the kingdom of Naples, and the largest city in Italy; Palermo, on the north, and Messina, on the north-east coast of Sicily; Milan, the chief city of the states belonging to Austria; Venice, in the north-east, on the coast of the Gulf of Venice, is built on a great number of islands; Genoa, on the Gulf of Genoa; Florence, on the Arno; Turin, in the north-west, on the Po.

TURKEY IN EUROPE.—*Chief Towns*.—CONSTANTINOPLE, the capital of the Turkish empire, on the Straits of Constantinople; Adrianople, on the Marissa; Salonica, on the coast of the gulf of the same name; Bucharest, in the north, on the Dembrowitza.

GREECE.—*Chief Towns*.—NAPOLI DI ROMANIA, on the Gulf of Napoli; Tripolizza, near the centre of the Morea; Athens, near the Gulf of Egina, the most celebrated city of Ancient Greece, still contains some of the

most splendid buildings of antiquity; *Missolonghi*, on the Gulf of Lepanto, where Lord Byron, the poet, died; *Patras*, in the north-west of the Morea, on the coast.

AUSTRIA.—*Chief Towns.*—**VIENNA**, the capital of the Austrian empire, on the Danube; *Prague*, in the north, on the Moldau; *Pest*, on the Danube, opposite to Buda; *Presburg*, on the Danube; *Trieste*, on the north of the Gulf of Venice.

GERMANY.—*Chief Towns.*—**HAMBURG**, on the Elbe, the largest commercial city in Germany; *Frankfort*, on the Maine; *Dresden*, on the Elbe; *Munich*, on the Iser; *Hanover*, on the Leine; *Bremen*, on the Weser; *Stutgard*, near the Neckar.

BELGIUM or the **NETHERLANDS.**—*Chief Towns.*—**BRUSSELS** on the Senne, noted for its lace and carpets; *Antwerp*, on the Scheldt, the birthplace of Rubens, the famous painter; *Ghent*, at the junction of the Scheldt and Lys; *Liege*, on the Maese; *Bruges*, in the west; *Louvain*, on the Dyle. Near Brussels is the field of Waterloo.

HOLLAND.—*Chief Towns.*—**AMSTERDAM**, built on piles of wood driven into the ground, is situate on the Amstel, and reckoned the second city in Europe for its commerce; *Rotterdam*, on the Maese, noted as the birthplace of the learned Erasmus; the *Hague*, near the west coast; *Leyden*, on the old Rhine, famous for its university and learned men; *Utrecht*, farther east, on the old Rhine; *Haerlem*, where the Dutch assert the art of printing was invented by Laurence Coster; *Groningen*, in the north, on the Hunes.

DENMARK.—*Chief Towns.*—**COPENHAGEN**, on the east coast of Zealand; *Elsinore*, on the strait of the Sound, where all vessels passing pay toll to the king of

Denmark; *Altona*, in the south, on the Elbe; *Flensburg*, on the east coast; *Aalberg*, in the north, on Lymefjord Bay.

NORWAY.—*Chief Towns*.—CHRISTIANIA, in the south, on Christiania Bay; *Bergen*, the most populous town in Norway, is situate on the west coast; *Fredericks-hall*, in the south, at the siege of which Charles the Twelfth of Sweden was killed; *Drontheim*, on the west coast.

SWEDEN.—*Chief Towns*.—STOCKHOLM stands on several islands at the junction of Lake Maeder with the Baltic; *Gottenburg*, in the south-west, on the coast of the Cattegat; *Carlsrona*, in the south-east, on the coast of the Baltic; *Upsal*, north from Stockholm, noted for its University.

RUSSIA.—*Chief Towns*.—PETERSBURG, built by Peter the Great, on the Neva; *Moscow*, near the centre, on the Moskwa; *Archangel*, in the north, on the Northern Dwina; *Cronstadt*, west from Petersburg, on the island Retusari,—its harbour is the principal station of the Russian fleet; *Riga*, in the west, on the Western Dwina; *Wilna*, in the west, on the Wilna; *Tula*, south from Moscow, noted for its iron manufactures; *Kiev* or *Kiow*, on the Dnieper; *Odessa*, near the mouth of the Dniester; *Cherson*, at the mouth of the Dnieper, where Howard the philanthropist died.

PRUSSIA.—*Chief Towns*.—BERLIN, on the Spree; *Konigsberg*, in the north-east, on the Pregel; *Dantzic*, on the Vistula; *Breslaw*, in the south-east, on the Oder; *Magdeburg*, on the Elbe; *Cologne*, on the Rhine; *Aix-la-Chapelle*, west from Cologne.

SEAS AND GULFS.—The *Mediterranean Sea*, between Europe and Africa; the *Gulf of Lyons*, south of France; the *Gulf of Genoa*, north-west of Italy; the *Gulf of Venice*, between Italy and Turkey; the *Archipelago*,

between Greece and Turkey in Asia ; the *Black Sea*, between Russia and Turkey in Asia ; the *Sea of Marmora*, between the Black Sea and the Archipelago ; the *Sea of Azoph*, north of the Black Sea ; the *Bay of Biscay*, west of France.

The *English Channel*, between England and France ; *St George's Channel*, between Wales and Ireland ; the *Irish Sea*, between England and Ireland ; the *North Channel*, between Scotland and Ireland ; the *German Ocean*, or the *North Sea*, between Great Britain and the Continent.

The *Skager Rack*, between Denmark and Norway ; the *Cattegat*, between Denmark and Sweden ; the *Baltic Sea* separates Sweden from Denmark, Prussia, and Russia ; the *Gulf of Riga* and the *Gulf of Finland*, west of Russia ; the *Gulf of Bothnia*, between Sweden and Russia ; the *White Sea*, in the north of Russia.

ISLANDS.—*Great Britain* and *Ireland*, between the North Sea or German Ocean and the Atlantic ; the *Færo Islands*, between Iceland and the Shetlands ; *Iceland*, to the south-east of Greenland ; *Spitzbergen*, in the Northern Ocean, north-east of Greenland ; *Nova Zembla*, in the Northern Ocean, north-east of Russia ; *Zealand*, between the Cattegat and the Baltic ; *Funen*, west of Zealand.

In the Mediterranean, *Candia*, south of the Archipelago ; *Sicily*, south-west of Italy ; *Malta*, south of Sicily ; *Corsica*, west of Italy ; *Sardinia*, south of Corsica ; *Majorca*, *Minorca*, and *Ivica*, east of Spain ; the *Azores*, in the Atlantic Ocean, west of Portugal.

STRAITS.—The *Straits of Caffa*, between the Black Sea and the Sea of Azoph ; the *Straits of Constantinople*, between the Sea of Marmora and the Black Sea ; the

Straits of the Dardanelles, uniting the Archipelago and the Sea of Marmora ; the *Straits of Messina*, between Italy and Sicily ; the *Straits of Bonifacio*, between Corsica and Sardinia ; the *Straits of Gibraltar*, between Spain and Africa, uniting the Mediterranean and the Atlantic.

The *Straits of Dover*, between England and France, uniting the English Channel and the German Ocean ; the *Sound*, between Sweden and Zealand ; the *Great Belt*, between Zealand and Funen ; the *Little Belt*, between Funen and Jutland ; the *Straits of Waigatz*, between Nova Zembla and Russia.

PENINSULAS.—*Spain* and *Portugal*, in the south-west of Europe ; the *Morea*, in the south of Greece ; the *Crimea*, in the south of Russia ; *Jutland*, in Denmark.

CAPES.—The *North Cape*, in the north of Norway ; the *Naze*, south of Norway ; the *Skaw*, north of Denmark ; *Duncansbayhead*, north-east of Scotland ; *Cape Clear*, south of Ireland ; the *Land's End*, south-west of England ; *Cape la Hogue*, north-west of France ; *Cape Ortegal* and *Cape Finisterre*, north-west of Spain ; *Cape St Vincent*, south-west of Portugal ; *Cape Spartivento*, south of Italy ; *Cape Matapan*, in the south of Greece.

MOUNTAINS.—The *Pyrenees*, between France and Spain ; the *Alps* separate Italy from France and Switzerland ; the *Apennines* run through Italy ; the *Balkan*, in Turkey ; the *Carpathian Mountains*, in the north-east of Austria ; the *Kolen Mountains*, between Norway and Sweden ; the *Uralian Mountains*, in the north-east of Russia, between Europe and Asia.

BURNING MOUNTAINS.—*Etna*, in Sicily ; *Vesuvius*, in Italy, near Naples ; *Hecla*, in Iceland.

RIVERS.—The *Volga* flows east through Russia, then south, forming part of the boundary between Europe and

Asia, and again takes an easterly course, and falls into the Caspian Sea; the *Dnieper*, in Russia, flows south into the Black Sea; the *Danube* rises in the south-west of Germany, flows east through Germany, Austria, and Turkey, into the Black Sea; the *Vistula* runs north through Poland and Prussia into the Baltic; the *Elbe* flows north-west through Germany into the German Ocean.

The *Rhine*, from Switzerland, flows north through Germany and Holland into the German Ocean; the *Loire*, in France, flows north-west into the Bay of Biscay; the *Rhone* rises in Switzerland, flows south-west, then south, through France, and falls into the Gulf of Lyons; the *Po*, in the north of Italy, flows eastward into the Gulf of Venice; the *Ebro* flows south-east through Spain into the Mediterranean; the *Tagus* runs south-west through Spain and Portugal, and falls into the Atlantic; the *Thames*, in the south of England, flows eastward into the German Ocean.

LAKES.—*Lake Ladoga* and *Lake Onega*, in the west of Russia; *Lake Wener* and *Lake Wetter*, in the south of Sweden; the *Lake of Constance*, in the north-east, and the *Lake of Geneva*, in the south-west of Switzerland.

EXERCISES UPON THE MAP OF EUROPE.

How is Europe bounded on the south? Name the four most southerly countries in Europe. Which is the largest country in Europe? Where is France? What island is to the west of Great Britain? Name the sea between Great Britain and the continent. Where is Sicily? In what country does the Danube rise? Describe its course. What strait is between the Archipelago and the Sea of Marmora? Into what sea does the Wolga flow? Where are the Apennines? What are the two largest lakes in the west of Russia? What country is to the south of Denmark? What is the name of the burning mountain in Sicily? Which is the largest island belonging to Europe? Name the island to the south of Sicily. What strait is between England and France?

In what direction does the Elbe flow? What mountains separate

Norway from Sweden? Where is Portugal? What sea is between England and Ireland? Name the three islands to the east of Spain. What strait is between Zealand and Sweden? Through what countries does the Rhone flow? Where is the Gulf of Venice? What separates Wales from Ireland? Name the large river in the north of Italy. Where is the North Cape? What mountains are between Russia and Asia? Where is the Lake of Constance? Where is the Gulf of Lyons? What river flows through Spain and Portugal? Name the strait between the Atlantic and the Mediterranean. What is the cape on the south-west of Portugal? Through what country does the Thames flow?

What separates Scotland from Ireland? What mountains separate France from Spain? Where is Cape Matapan? Where is Mount Hecla? On what river is the capital of England? What city in Portugal is noted for its trade in port-wine? Which is the principal seaport in Spain? What fortress in the south of Spain belongs to the English? Which is the second largest city in Europe? Name the chief stations for the French navy. What is the capital of Switzerland? For what is Rome celebrated? Which is the largest city in Italy? What is remarkable in the situation of Venice? Which is the chief city of the Italian States belonging to Austria? Which is the largest commercial city in Germany? Name the capital of the Austrian Empire.

What city in the Netherlands is noted for its lace and carpets? Where was Rubens the famous painter born? Where is the field of Waterloo? Which is reckoned the second city in Europe for its commerce? Where was Erasmus born? Where and by whom do the Dutch assert the art of printing was invented? At what town in Denmark do all vessels passing pay toll? Which is the most populous town in Norway? Where was Charles the Twelfth of Sweden killed? What city in Sweden is noted for its university? How is Stockholm situate? By whom was Petersburg built? On what river is it situate? Where is the principal station of the Russian fleet? In what part of Russia, and on what river is Moscow situate?

Where is Odessa? Where did Howard the philanthropist die? What city in Greece still contains some of the most splendid buildings of antiquity? Where is Dantzic? What city in Portugal was almost destroyed by an earthquake? What town in Spain is famous for its gallant defence against the French? On what river is Rome situate? Where and on what river is Adrianople? Where are the Carpathian Mountains? Name the strait that divides Corsica from Sardinia. What separates Denmark from Norway? Where are the Azores? What is the capital of Turkey in Europe? Where did Lord Byron the poet die?

Where is the Gulf of Bothnia ? Name the four principal peninsulas in Europe. Where is Cape St Vincent ? Describe the course of the Wolga. What are the two capes on the north-west of Spain ? Name the principal towns in France. Mention those in Spain. Where is the Black Sea ? What are the chief towns in Italy ? Name the chief towns in Germany. Where is Cape La Hogue ? Where is Austria ? Name its chief towns. What countries border upon Switzerland ? What country lies between France and Holland ?

ASIA

Is bounded on the North by the Northern Ocean ; on the West, by Europe, the Black Sea, the Archipelago, the Levant, the Isthmus of Suez, and the Red Sea ; on the South, by the Indian Ocean ; and on the East, by the Pacific Ocean.

COUNTRIES in Asia with their CHIEF TOWNS.

TURKEY IN ASIA.—*Chief Towns.*—**ALEPPO**, at a considerable distance east from the coast of the Levant ; *Damascus*, southward ; *Smyrna*, on the coast of the Archipelago ; **JERUSALEM**, so celebrated in the Holy Scriptures, in the south-west, near the Jordan.

ARABIA.—*Chief Towns.*—**MECCA**, the birth-place of Mohammed the impostor, and *Medina*, the place where he was buried, both a little east from the Red Sea ; *Mocha*, noted for its excellent coffee, is situate in the south-west, on the coast of the Red Sea.

PERSIA.—*Chief Towns.*—**TEHERAUN**, in the north ; *Ispahan*, the former capital, south from Teheraun ; *Shiras*, east from the Persian Gulf.

AFGHANISTAN OF CABUL.—*Chief Towns.*—**CABUL**, on the Cabul, and Peshawer, in the north-east ; *Candahar*, in the centre, on the Urghundab ; *Ghisni*, the ancient capital, south from Cabul.

HINDOSTAN.—*Chief Towns.*—**CALCUTTA**, the capital of British India, on the Hoogley, the western branch

of the Ganges; *Madras*, on the south-east coast; *Bombay*, on the west coast, on an island of the same name; *Benares*, the chief seat of learning for the Brahmins, on the Ganges; and *Patna*, a little farther down, on the same river; *Delhi*, the former capital of Hindostan, in the north, on the Jumnah.

EASTERN PENINSULA.—*Chief Towns*.—*Ava* and *Ummerapoora*, near the Irrawady; *Malacca*, in the south, on the Straits of Malacca; *Turon*, on the east coast; *Rangoon*, at the mouth of the Irrawady, lately taken by the British.

CHINA.—*Chief Towns*.—*PEKIN*, in the north-east; *Nankin*, in the east, on the Kian-ku; *Canton*, in the south, at the mouth of the Ta.

TIBET.—*Chief Town*.—*LASSA*, in the south, near the Sanpoo.

EASTERN OR CHINESE TARTARY.—*Chief Towns*.—*SAGALIEN OULA HOTUN*, in the east, on the Amur; *Cashgar* and *Yarkand*, in the west.

WESTERN OR INDEPENDENT TARTARY.—*Chief Towns*.—*SAMARCAND* and *Bokhara*, on the Sogd; *Balk* farther south, on the Dehash, a tributary of the Gihon.

SIBERIA OR RUSSIAN TARTARY.—*Chief Towns*.—*TOBOLSK*, on the Irtysh; *Astracan*, on the Wolga; *Orenburg*, on the Ural,—all of which are in the west; *Irkutsk*, in the south, on the Angara, near Lake Baikal.

SEAS AND GULFS.—The *Levant*, the eastern part of the Mediterranean; the *Red Sea*, between Arabia and Africa; the *Arabian Sea*, between Arabia and Hindostan; the *Persian Gulf*, between Arabia and Persia; the *Bay of Bengal*, between Hindostan and the Eastern Peninsula; the *Chinese Sea*, south of China; the *Gulf of Siam*, south of the Eastern Peninsula.

The *Gulf of Tonquin*, north-east of the Eastern Peninsula; the *Bay of Nankin*, east of China; the *Whang-hay* or the *Yellow Sea*, north-east of China; the *Gulf of Corea*, between the Japan Isles and the continent; the *Sea of Ochotsk* and the *Sea of Kamtschatka*, east of Siberia; the *Caspian Sea*, on the west of Independent Tartary; the *Sea of Aral*, in Independent Tartary, east of the Caspian.

ISLANDS.—*Cyprus*, in the Levant; *Ceylon*, in the Indian Ocean, south from Hindostan; *Sumatra*, south of the Eastern Peninsula; *Java*, south-east of Sumatra; *Borneo*, north of Java; *Celebes*, east of Borneo; the *Manillas* or *Philippine Islands*, north-east of Borneo; the *Japan Isles*, east of the Gulf of Corea; *New Guinea*, east of Celebes; *New Holland*, the largest island in the world, south from New Guinea; *New Zealand*, south-east, and Van Diemen's Land, south from New Holland.

STRAITS.—The *Straits of Babelmandel* or *Babelmandeb*, between the Indian Ocean and Red Sea; the *Straits of Ormus*, between the Arabian Sea and the Persian Gulf; *Palk's Passage*, between Hindostan and Ceylon; the *Straits of Malacca*, between the Eastern Peninsula and Sumatra; *Straits of Sunda*, between Java and Sumatra; *Behring's Straits*, between Asia and America.

CAPES.—*Cape Comorin*, on the south of Hindostan; *Cape Romania*, on the south of the Eastern Peninsula.

MOUNTAINS.—The *Uralian Mountains*, between Asia and Europe; *Mount Caucasus* extends between the Black Sea and the Caspian; *Mount Taurus* and *Mount Lebanon*, in Turkey in Asia; *Mount Ararat*, on which Noah's ark rested, in the east of Turkey in Asia; *Sinai*, in the west of Arabia, on which the Lord delivered the Ten Commandments to Moses; *Horeb*, near Sinai, on which Moses saw the burning bush; the *Eastern* and

Western Gaults, in Hindostan; the *Himmaleh* or the *Snowy Mountains*, in the south of Tibet, the highest mountains in the world; the *Altaian Mountains*, between Siberia and Chinese Tartary.

RIVERS.—The *Euphrates* flows south-west, then south-east, through Turkey in Asia, into the Persian Gulf; the *Tigris*, in Turkey in Asia, runs south-east into the Euphrates; the *Indus* flows through the north-west of Hindostan into the Indian Ocean; the **GANGES** rises in the Himmaleh Mountains, runs south-east through Hindostan, and falls by several mouths into the Bay of Bengal; the *Sanpoo* or *Brahmapootra* flows through Tibet and Hindostan, and falls into the Bay of Bengal, near the mouth of the Ganges; the *Irrawady* flows south through the Birman Empire, into the Bay of Bengal.

The *Maykaung* flows through the Eastern Peninsula into the Chinese Sea; the *Kian-ku* or the *Blue River*, from Tibet, flows east through China into the Bay of Nankin; the *Hoang-ho* or the *Yellow River* runs east through the north of China, and falls into the Yellow Sea; the *Amur* or *Sagalien* flows east through Chinese Tartary into the Sea of Ochotsk; the *Lena*, the *Yenisei*, and the *Oby*, flow north through Russian Tartary into the Northern Ocean; the *Ural*, in the west of Siberia, runs south into the Caspian; the *Gihon* or *Amu* runs north-west through Independent Tartary into the Sea of Aral.

EXERCISES UPON THE MAP OF ASIA.

How is Asia bounded on the east? What is the most northerly division? What bay is between Hindostan and the Eastern Peninsula? Where is Arabia? Name the sea between Asia and Africa. What country is situate to the east of Tibet? What range of mountains extends from the Black Sea to the Caspian? Name the river in the east of Chinese Tartary. Where is Cape Comorin? Where is the Sea of Aral? What strait forms the entrance into the Red Sea? What isthmus

joins Asia to Africa? Name the three large rivers that flow into the Northern Ocean. Through what country does the Indus flow? For what is Mount Sinai famous? Where are the Straits of Ormus?

Which is the largest island in the world? Through what country does the Ganges flow? Name the principal towns in China. Where is the Arabian Sea? How is the Levant sea situate? What straits separate Asia from America? Where are the Japan islands? Where is the Gulf of Siam? Through what country does the Euphrates flow? What are the chief towns in Hindostan? What strait is between Sumatra and Java? Which are the highest mountains in the world? How is Ceylon situate? What strait separates it from Hindostan? Name the mountains that run along the east and west coasts of Hindostan. Where is the Persian Gulf? On what mountain did Noah's ark rest? Where is it situate?

Where are the Hoang-ho and Kian-ku rivers? What continent lies to the west of Asia? Into what does the Tigris fall? For what is Mount Horeb remarkable? What are the chief towns in Turkey in Asia? Where are the Altaian Mountains? What sea is to the north-east of China? How is Sumatra situate? Name the large island to the north of New Holland. What two seas are to the east of Siberia? What country lies between the Arabian Sea and the Bay of Bengal? Into what does the Gibon empty itself? What are the chief rivers in the Eastern Peninsula? Where is Persia? What are its chief towns? What are the two mountainous chains in the west of Asiatic Turkey?

Name the principal towns in Arabia. On what river is Canton situate? What bay is to the east of China? Where is Chinese Tartary? What are its chief towns? On what river is Calcutta situate? Where is Bombay? What forms the southern boundary of Asia? Where is Cyprus? What island is to the north of Java? Which is the largest inland sea in Asia? Which city in Turkey in Asia is so celebrated in the Holy Scriptures? Where was Mohammed the impostor born? Where was he buried? What is the capital of British India? Which is the chief seat of learning for the Brahmins? What town in the Eastern Peninsula was lately taken by the British?

AFRICA

Is bounded on the North by the Mediterranean Sea; on the West, by the Atlantic Ocean; on the South, by the Southern Ocean; and on the East, by the Indian Ocean, the Red Sea, and the Isthmus of Suez.

COUNTRIES in Africa with their CHIEF TOWNS.

BARBARY, in which are the States of Morocco, Fez, Algiers, Tunis, Tripoli, and Barca.

MOROCCO.—*Chief Towns*.—MOROCCO, inland; *Mogadore*, on the west coast.

FEZ.—*Chief Towns*.—FEZ and *Mequines*, in the interior; *Sallee*, on the west coast; *Tangier*, *Ceuta*, and *Tetuan*, on the north coast.

ALGIERS. — *Chief Towns*. — ALGIERS, *Oran*, and *Bona*, on the coast; *Constantina*, inland.

TUNIS.—*Chief Towns*.—TUNIS, on the coast,—ten miles north-east of this city are the *ruins of Carthage*; *Cabes*, in the south, on the coast.

TRIPOLI.—*Chief Towns*.—TRIPOLI and *Mesurata*, on the coast.

BARCA.—*Chief Towns*.—DERNA, *Ptolemeta*, and *Tabarca*, on the coast.

ZAARA OF THE GREAT DESERT lies south from Barbary.

NEGROLAND, NIGRITIA, OF SOUDAN.—*Chief Towns*.—*Timbuctoo* and *Sego*, on the Niger; *Sackatoo* and *Kano*, south-east from Timbuctoo; *Kouka* and *Angornou*, on *Lake Tchad*.

UPPER GUINEA,—containing *Sierra Leone*, *Grain Coast*, *Ivory Coast*, *Gold Coast*, *Slave Coast*, *Ashantee*, *Dahomey*, and *Benin*.—*Chief Towns*.—*Sierra Leone*, on the west coast; *Cape Coast Castle*, on the Gold Coast; *Coomassie*, inland, the capital of Ashantee; *Abomey*, the capital of Dahomey; *Benin*, on a river of the same name.

LOWER GUINEA.—*Chief Towns*.—*Loango*, *St Paul de Loando*, and *New Benguela*,—all on the coast.

CAFFRARIA, including *Cape Colony*, in which is *Cape Town*; the countries of the *Caffres*, *Hottentots*, *Boshmans* or *Wild Hottentots*, and *Natal*.

MOCARANGA, with its dependencies *Sofala* and *Sabia* ; *Mozambique* ; *Zanguebar*, in which are the towns of *Mombasa* and *Melinda* ; *Ajan* ; and *Aden* ; are all situated along the east coast.

ABYSSINIA.—*Chief Towns*.—**GONDAR**, inland, near Lake Dembea ; *Masuah*, on the coast of the Red Sea.

NUBIA, containing the kingdoms of *Dongola* and *Sennaar*, which have towns of the same name.

EGYPT.—*Chief Towns*.—**CAIRO**, on the Nile ; *Alexandria*, *Rosetta*, and *Damietta*, on the coast of the Mediterranean ; *Suex*, on the northern extremity of the Red Sea.

SEAS, GULFS, and BAYS.—The *Gulf of Guinea*, south of Upper Guinea ; *Saldanha Bay* and *Table Bay*, west of the colony of the Cape ; *False Bay*, south-west of the same ; the *Channel of Mozambique*, between Africa and Madagascar ; the *Red Sea*, between Africa and Arabia ; the *Gulf of Sydra*, on the north-east of Tripoli ; the *Gulf of Cades*, south-east of Tunis.

ISLANDS.—In the Atlantic Ocean, the *Madeiras*, to the west of Morocco ; the *Canaries*, west of Zaara ; the *Cape Verd Isles*, west of Negroland ; *St Matthew*, *St Thomas*, and *Fernando Po*, south of Upper Guinea ; *Ascension*, south-west of Upper Guinea ; *St Helena*, west of Lower Guinea. In the Indian Ocean are, *Madagascar*, east from Mozambique ; the *Comora Isles*, between the northern part of Madagascar and Africa ; *Bourbon* and the *Isle of France* or the *Mauritius*, east from Madagascar ; *Socotra*, east from Cape Guardafui.

STRAITS.—The *Straits of Gibraltar*, between Spain and Barbary ; the *Straits of Babelmandel* or *Babelmandeb*, between Abyssinia and Arabia.

CAVES.—*Cape Bojador* and *Cape Blanco*, on the

west of *Zaara* ; *Cape Verd* and *Cape Rowo*, on the west of *Negroland* ; *Cape Palmas*, *Cape Three Points*, and *Cape Formosa*, on the south of *Upper Guinea* ; *Cape Negro*, on the west of *Lower Guinea* ; the *Cape of Good Hope*, on the south-west of *Caffraria* ; *Cape Guardafui*, on the north-east of *Adel* ; *Cape Bon*, on the north-east of *Tunis*.

MOUNTAINS.—*Mount Atlas*, in the west of *Barbary* ; the *Peak of Teneriffe*, in the island of *Teneriffe*, one of the *Canaries* ; *Sierra Leone* or the *Mountains of the Lions*, in the north-west of *Upper Guinea* ; the *Mountains of Lupata*, on the west of *Mozambique* and *Zanguebar* ; *Jebel Kumrah* or the *Mountains of the Moon*, on the south-east of *Negroland* ; the *Abyssinian Mountains*, in *Abyssinia*.

RIVERS.—The *Senegal* and the *Gambia*, in the west of *Negroland*, flow north-west into the *Atlantic* ; the *Niger*, the *Joliba*, or the *Quorra*, rises in the west of *Nigritia*, flows eastward, then turns south, and divides into three branches which fall into the *Gulf of Guinea* ; the *Congo* or *Zaire* pursues a circuitous course through *Lower Guinea*, and falls into the *Atlantic*.

The *Orange* and *Oliphant* rivers, in *Caffraria* ; the *Zambexi* forms the northern boundary of *Mocaranga*, and empties itself into the *Channel of Mozambique* ; the *Nile*, from an unknown source, flows north through *Abyssinia*, *Nubia*, and *Egypt*, and falls into the *Mediterranean Sea*, dividing and forming at its mouth the *Delta*.

LAKES.—*Lake Tchad*, in *Negroland* ; *Lakes Dembea* and *Zaawaja*, in *Abyssinia* ; *Lake Maravi*, west of *Mozambique*.

Great part of *Africa*, particularly the interior, is still unexplored.

EXERCISES UPON THE MAP OF AFRICA.

What sea separates Africa from Europe? What lies between Arabia and Africa? What is the southern part of Africa called? Where is the Channel of Mozambique? Name the large gulf on the west of Africa. Which is the most northern division? What two rivers flow through Caffraria? What are the natives of Caffraria called? Where are the Mountains of the Moon? Mention the subdivisions of Upper Guinea. Where is the Cape of Good Hope? What is the western boundary of Africa? Name the principal river in Lower Guinea. Into what States is Barbary divided? What country is in the north-east of Africa? Name its chief towns.

Through what countries does the Nile flow? Where are the Lupata Mountains? What are the two gulfs on the north of Africa? Name the chief towns in Negroland. On what river are Sego and Timbuctoo situate? Which is the most eastern cape of Africa? What two kingdoms compose Nubia? Name their capitals. Where is Mount Atlas? What islands lie in the north of the Channel of Mozambique? How does the Niger flow, and into what does it fall? What division lies between Barbary and Negroland? Where is the Peak of Teneriffe? What countries border upon the Red Sea?

Which is the most eastern division of Barbary? Mention the chief towns in Morocco. What two capes are on the west of Zaara? Where are the Isles of France and Bourbon? What is the name of the town in the southern extremity of Africa? Where is the Island of Socotra? Name the three capes on the south of Upper Guinea. What are the chief towns in Lower Guinea? What are the two dependencies of Morcaranga? Name the chief towns on the coast of Zanguebar. Where is Lake Tchad? What two towns are situate on it? Mention the chief towns in Fez. What two capes are on the west of Negroland?

Where is Madagascar? What three bays are situate near the Cape of Good Hope? Is Algiers or Tunis farther west? What town is situate near the ruins of Carthage? What country lies between Egypt and Abyssinia? Name the chief towns in Tripoli. Where is St Helena? Mention the countries that border upon the Indian Ocean. Name the chief towns in Upper Guinea. What islands lie to the west of Barbary? Where are the Canary Islands? In what direction do the Senegal and the Gambia flow? Into what ocean do they fall? What group of islands lies west from the coast of Negroland?

AMERICA

Is divided into two parts, viz. North America and South America.

NORTH AMERICA

Is bounded on the North by the Northern Ocean ; on the West, by the Pacific Ocean ; on the South, by the Isthmus of Darien and the Gulf of Mexico ; and on the East, by the Atlantic Ocean.

BRITISH POSSESSIONS.

Divisions and Chief Towns.

NOVA SCOTIA.—*Chief Towns.*—*Halifax*, on the east coast ; *Annapolis*, on Fundy Bay.

NEW BRUNSWICK.—*Chief Town.*—*Frederick's Town*, on St. John's River.

LOWER CANADA.—*Chief Towns.*—*QUEBEC*, on the St Lawrence ; *Montreal*, on an island of the same name, at the junction of the Ottawas with the St Lawrence.

UPPER CANADA.—*Chief Towns.*—*Toronto* and *Kingston*, on Lake Ontario.

NEW SOUTH WALES and LABRADOR.—*Churchhill Fort*, *York Fort*, and *Severn House*, on Hudson's Bay ; *Albany Fort* and *Moose Fort*, on James's Bay ; *Nain*, on the east coast of Labrador.

UNITED STATES.

MAINE.—*Chief Town.*—*Portland*, on Casco Bay.

NEW HAMPSHIRE.—*Chief Town.*—*Portsmouth*, on the coast.

VERMONT.—*Chief Town.*—*Bennington*, in the south, on the Hosick.

MASSACHUSETTS.—*Chief Town.*—*Boston*, on the coast.

RHODE ISLAND.—*Chief Town.*—*Newport*, on a small island called Rhode Island.

CONNECTICUT.—*Chief Town.*—*Hartford*, in the north, on the Connecticut River.

NEW YORK.—*Chief Town.*—*New York*, the largest city in the United States, in the south-east, on the Hudson.

NEW JERSEY.—*Chief Town.*—*Trenton*, on the Delaware.

PENNSYLVANIA.—*Chief Town.*—*Philadelphia*, in the south-east, on the Delaware.

DELAWARE.—*Chief Town.*—*Dover*, on Delaware Bay.

MARYLAND.—*Chief Town.*—*Baltimore*, on the north of Chesapeak Bay.

THE DISTRICT of COLUMBIA.—*Chief Town.*—*WASHINGTON*, the capital of the United States, on the Potowmack.

VIRGINIA.—*Chief Town.*—*Richmona*, on James's River.

NORTH CAROLINA.—*Chief Town.*—*Raleigh*, in the interior, on the Neuse.

SOUTH CAROLINA.—*Chief Town.*—*Charleston*, a large seaport.

GEORGIA.—*Chief Town.*—*Savannah*, in the east, on the Savannah.

OHIO.—*Chief Town.*—*Columbus*, in the middle, on the Scioto.

INDIANA.—*Chief Town.*—*Vincennes*, in the west, on the Wabash.

ILLINOIS.—*Chief Town.*—*Kaskaskia*, in the west, on the Kaskaskia.

MISSOURI.—*Chief Town.*—*St Louis*, in the east, on the Mississippi.

KENTUCKY.—*Chief Town.*—*Frankfort*, on the Kentucky.

TENNESSEE.—*Chief Town.*—*Knoxville*, in the east, on the Holston.

ALABAMA.—*Chief Town.*—*Cahawba*, near the centre, on the Alabama.

MISSISSIPPI.—*Chief Town.*—*Natchez*, in the south-west, on the Mississippi.

LOUISIANA.—*Chief Town.*—*New Orleans*, in the south-east, on the Mississippi.

The following TERRITORIES are not yet erected into States :—

FLORIDA.—*Chief Towns.*—*St Augustine*, on the east coast ; *Pensacola*, on the north-west coast.

ARKANSAS.—*Chief Town.*—*Arkopolis*, on the Arkansas.

MICHIGAN.—*Chief Town.*—*Fort Detroit*, on the Detroit.

The NORTH-WEST TERRITORY.—*Chief Town.*—*Fort Machilimakinak*, on an island in the strait between Lake Michigan and Lake Huron.

The MISSOURI TERRITORY and
The WESTERN TERRITORY } have no large towns.

MEXICO AND GUATIMALA.

MEXICO.—*Chief Town.*—MEXICO, near the Lake Tezcuco.

CALIFORNIA.—*Chief Town.*—*St Juan*, on the west coast.

GUATIMALA.—*Chief Town.*—GUATIMALA, on the west coast.

The RUSSIAN TERRITORY is situate in the north-west of North America, and is inhabited by only a few Russian settlers and native tribes.

WEST INDIAN ISLANDS.

Great Antilles.

Islands.	Chief Towns.	Belong to
Cuba,	Havannah,	Spain.
St Domingo or Hayti, }	St Domingo,	{ in possession of the Blacks.
Jamaica, .	Kingston,	Britain.
Porto Rico, .	Porto Rico,	Spain.

The *Caribbee Islands* are divided into the Leeward and the Windward Islands.

Leeward Is.	{	St Eustatia,	St Eustatia,	Holland.
	{	St Christopher's,	Basseterre,	{ Britain.
	{	Antigua, .	St John's,	
	{	Dominica, .	Charlotte Town,	{ France.
	{	Guadaloupe, .	Basseterre,	
Windward Is.	{	Martinico, .	Port Royal,	{ Britain.
	{	St Lucia, .	Castries	
	{	St Vincent, .	Kingston,	
	{	Grenada, .	St George,	
	{	Barbadoes, .	Bridgetown,	
	{	Tobago, .	Scarborough,	{
	{	Trinidad, .	St Joseph,	

The *Bahama* or *Lucaya Islands* lie to the north of

Cuba; the *Virgin Isles*, east of Porto Rico; the *Little Antilles*, near the north coast of South America.

BAYS and GULFS.—The *Bay of Honduras*, on the east coast of Guatemala; the *Gulf of Mexico*, east of Mexico, and south of the United States; the *Bay of Campeachy*, south-west of the Gulf of Mexico; the *Gulf of California*, between Mexico and California; the *Gulf of Florida*, between Florida and the Bahama Islands; *Chesapeak* and *Delaware Bays*, east of the United States.

Fundy Bay, between Nova Scotia and New Brunswick; the *Gulf of St Lawrence*, between Nova Scotia and Labrador; *Hudson's Bay*, in the north of the British Possessions; *James's Bay*, south of Hudson's Bay; *Baffin's Bay*, north of Davis' Straits; *Prince Regent's Inlet*, and *Coronation Gulf*, north of the British Possessions.

ISLANDS.—*Newfoundland*, east from the British Possessions, chief town, *St John's*; *Cape Breton* and *St John's* or *Prince Edward's Island*, in the Gulf of St Lawrence; the *Bermudas*, chief of which is *St George*, east of the United States; *Long Island*, south of Connecticut.

STRAITS.—The *Straits of Belleisle*, between Newfoundland and Labrador; *Davis' Straits*, between the British Possessions and Greenland; *Barrow's Straits* extend westward from Baffin's Bay; *Behring's Straits*, between America and Asia.

CAPES.—*Cape St Lucas*, south of California; *Cape Florida*, south of Florida; *Cape Cod*, north-east of the United States; *Cape Sable*, south-east of Nova Scotia; *Cape Ray*, on the south-west, and *Cape Race*, on the south-east of Newfoundland; *Cape Charles*, on the

is Cape Chidley ? What ocean lies between North America and Europe ? In what direction, and into what gulf, does the Mississippi flow ? What forms the northern boundary of North America ? In what part are the British Possessions situate ? What country is to the south of the British Possessions ? Where is the Ohio ? Into what does the Missouri flow ? Name the lake to the south of Slave Lake. To whom does Jamaica belong ? What is the capital of Cuba ? Of what division is Halifax the capital ? What are the two bays on the east of the United States ? Name the capital of Guatimala.

SOUTH AMERICA

Is bounded on the North by the Caribbean Sea and the Isthmus of Darien ; on the West, by the Pacific Ocean ; on the South, by the Southern Ocean ; and on the East, by the Atlantic Ocean.

Divisions and Chief Towns.

COLUMBIA.—*Chief Towns.*—*Santa Fe de Bogota*, on the Bogota ; *Quito*, in the west ; *Leon de Caraccas*, in the north.

GUIANA.—*Chief Towns.*—*Paramaribo*, on the Surinam ; *Cayenne*, on an island of the same name.

BRAZIL.—*Chief Towns.*—*St Sebastian* or *Rio Janeiro*, *St Salvador* or *Bahia*, and *Olinda*, all on the east coast.

LOWER PERU.—*Chief Towns.*—*Lima*, near the coast ; *Cusco*, in the south ; *Arequipa*, in the south-west.

UPPER PERU OR BOLIVIA.—*Chief Towns.*—*La Paz*, near Lake Titicaca ; *Potosi*, in the interior.

PARAGUAY.—*Chief Town.*—*Assumption*, on the Paraguay.

LA PLATA OR BUENOS AYRES.—*Chief Towns.*—*Buenos Ayres*, on the La Plata ; *Mendoza*, in the west, at the foot of the Andes ; *Santa Fe*, on the La Plata.

CHILI.—*Chief Towns.*—*St Jago*, on the *Mapecho*; *Valparaiso* and *Conception*, on the coast.

PATAGONIA.—No large towns;—the natives are said to be very tall.

SEAS AND GULFS.—The *Caribbean Sea*, on the north of Columbia; *Lake Maracaybo*, on the north of Columbia; the *Gulf of Darien*, in the north-west of Columbia; the *Bay of Panama*, south of the Isthmus of Darien; the *Bay of Buenaventura*, on the west of Columbia; the *Gulf of Guayaquil*, on the south-west of Columbia; the *Bay of All Saints*, on the east of Brazil.

ISLANDS.—The *Gallipago Islands*, in the Pacific Ocean, to the west of Columbia; *Juan Fernandez*, in the Pacific, to the west of Chili; *Chiloe*, in the Pacific, to the south-west of Chili; *Terra del Fuego*, to the south of Patagonia; *Falkland Isles*, in the Atlantic Ocean, east from the southern part of Patagonia; *Georgia*, in the southern part of the Atlantic, east from Terra del Fuego; *Juanes* or *Marjo*, at the mouth of the Amazon.

STRAITS.—The *Straits of Magellan*, between Patagonia and Terra del Fuego; the *Straits of Le Maire*, between Terra del Fuego and Staten Land.

CAPIES.—*Cape Horn*, on a small island to the south of Terra del Fuego; *Cape Antonio*, on the east of La Plata; *Cape Mary*, on the south of Brazil; *Cape Roque*, on the north-east of Brazil.

MOUNTAINS.—The *Andes* or *Cordilleras* run the whole length of South America, at the distance of about one hundred miles from the western coast; *Sorata*, in Upper Peru, according to Mr Pentland, is the highest mountain of this range; but other travellers say that *Chimborazo* is the highest.

RIVERS.—The *Magdalena* runs north through Columbia into the Caribbean Sea; the *Orinoco* flows by a circuitous course through Columbia, and falls into the Atlantic Ocean; the *Amazon*, the largest river in the world, rises in the Andes, flows east through Peru and Brazil, and falls into the Atlantic Ocean, receiving in its course nearly two hundred rivers, some of which are as large as the Danube; the *Tocantin* and *Francisco*, in Brazil, fall into the Atlantic; the *Rio de la Plata*, formed by the union of the Paraguay, Parana, and other large streams, flows south into the Atlantic.

LAKES.—*Lake Parima*, in Columbia, through which the Orinoco flows; *Lake Titicaca*, in Upper Peru; *Lake Xarayes*, in the west of Brazil, formed by the overflowing of the Paraguay during the rainy season.

EXERCISES UPON SOUTH AMERICA.

What sea bounds South America on the north? Which is the largest division of this country? What island lies to the south of Patagonia? What separates this island from the continent? Through what countries does the Amazon flow? Between what oceans does South America lie? Which is its most southern division? What is the chief town in La Plata? On what river is it situate? What is the cape on the north-east of Brazil? Name the island at the mouth of the Amazon. Where is the island of Chiloe? Where is Columbia? What are the chief rivers that flow through this division of South America? Into what sea do they flow? Through what lake does the Orinoco flow?

What country lies to the west of La Plata? What noted island is opposite to its coast? Of what country is St Sebastian the capital? Mention the gulf to the south-west of Columbia. Where is the Bay of Panama? What is the chief town in Columbia? In what country is Lake Titicaca? How does the Rio de la Plata flow? What are the chief rivers that unite to form it? Between what islands are the Straits of Le Maire? Where is the Isle of Georgia? What islands lie to the south-east of Patagonia? Through what country does the Francisco run? What is the grand chain of mountains in South America called? Which is supposed to be the highest mountain of this chain?

What are the chief towns of Upper Peru? Where is Cape Horn? What countries border upon Paraguay? Name its capital. Where is Lake Maracaybo? Which is the largest river in the world? Where is the Gulf of Darien? Where is Cape Mary? Through what country does the Tocantin flow? What lake is formed during the rainy season by the overflowing of the Paraguay? In what part of South America is it situate? What countries are situate along the western coast? What are the chief towns in Lower Peru? What isthmus unites the two Americas? Name the large bay to the west of Columbia. In what ocean are the Gallipago Islands? Where is Cape Antonio? What is the chief town in Guiana?

BRITISH EMPIRE.

ENGLAND AND WALES.

BOUNDARIES.—On the North, by Scotland; on the West, by St George's Channel and the Irish Sea; on the South, by the English Channel; and on the East, by the German Ocean.

ENGLAND is divided into forty counties, viz. :—

NORTHUMBERLAND.—*Chief Towns.*—*Newcastle*, on the Tyne, in the neighbourhood of which are extensive coal-mines; *North Shields*, at the mouth of the Tyne; *Hexham*, on the Tyne, west from Newcastle; *Morpeth*, on the Wensbeck; *Alnwick*, on the Alne; *Wooler*, in the north, near which is Flodden Field, where James the Fourth was slain; *Berwick*, on the Tweed, a county and town of itself, and independent of both England and Scotland.

CUMBERLAND.—*Chief Towns.*—*Carlisle*, on the Eden; *Whitehaven*, on the coast; *Workington*, north from Whitehaven, at the mouth of the Derwent.

WESTMORELAND.—*Chief Towns.*—*Appleby*, on the Eden; *Kendal*, on the Ken.

DURHAM.—*Chief Towns.*—*Durham*, on the Wear ; *Sunderland*, at the mouth of the Wear ; *Stockton*, on the Tees ; *South Shields*, at the mouth of the Tyne, opposite to North Shields.

YORKSHIRE.—*Chief Towns.*—*York*, on the Ouse, with a beautiful cathedral ; *Leeds*, on the Aire, famous for its woollen manufactures ; *Halifax* and *Wakefield*, on the Calder ; *Sheffield*, in the south, on the Don, celebrated for its cutlery and plated goods ; *Doncaster*, on the Don, noted for its races ; *Hull*, at the junction of the Hull and Humber, a large seaport ; *Scarborough*, on the coast ; *Whitby*, north from Scarborough, on the coast, the birthplace of the celebrated Captain Cook.

LANCASHIRE.—*Chief Towns.*—*Lancaster*, on the Lune ; *Preston*, on the Ribble, where the rebels were totally defeated in seventeen hundred and fifteen ; *Blackburn*, east from Preston ; *Bolton*, south from Blackburn ; *Manchester*, on the Irwell, famous for its great cotton manufactures ; *Liverpool*, at the mouth of the Mersey, the second seaport in the kingdom.

CHESHIRE.—*Chief Towns.*—*Chester*, on the Dee ; *Stockport*, on the Mersey ; *Macclesfield*, east from Chester.

DERBYSHIRE.—*Chief Towns.*—*Derby*, on the Derwent ; *Chesterfield*, in the north-east.

NOTTINGHAMSHIRE.—*Chief Towns.*—*Nottingham*, on the Trent, noted for its hosiery ; *Newark*, farther down on the same river ; *Mansfield*, in the west, on the borders of Sherwood Forest, so famous for the adventures of Robin Hood.

LINCOLNSHIRE.—*Chief Towns.*—*Lincoln*, on the Witham ;—in its cathedral is the largest bell in England,

called “ Tom of Lincoln ;” *Gainsborough*, on the Trent ; *Grantham*, in the west, on the Witham ; *Boston*, near the mouth of the Witham ; *Stamford*, in the south, on the Welland.

RUTLANDSHIRE.—*Chief Towns.*—*Oakham*, in the north-west ; *Uppingham*, in the south.

LEICESTERSHIRE.—*Chief Towns.*—*Leicester* and *Loughborough*, on the Soar ; *Harborough*, on the Welland.

STAFFORDSHIRE.—*Chief Towns.*—*Stafford*, on the Sow ; *Litchfield*, the birthplace of Dr Samuel Johnson and Garrick ; *Wolverhampton*, in the south-west, noted for its hardware.

SHROPSHIRE OR SALOP.—*Chief Towns.*—*Shrewsbury*, on the Severn ; *Wellington*, east from Shrewsbury ; *Ludlow*, in the south, on the Teme ; *Bridgenorth*, on the Severn.

HEREFORDSHIRE.—*Chief Towns.*—*Hereford*, on the Wye ; *Leominster*, north from Hereford, on the Lugg.

WORCESTERSHIRE.—*Chief Towns.*—*Worcester*, on the Severn ; *Kidderminster*, north from Worcester, noted for its carpet-manufactures ; *Dudley*, surrounded by Staffordshire.

WARWICKSHIRE.—*Chief Towns.*—*Warwick*, on the Avon ; *Stratford*, farther down the river, where Shakespeare was born ; *Coventry*, north from Warwick, noted for its manufactures of watches and ribbons ; *Birmingham*, on the borders of Staffordshire, famous for its hardware.

NORTHAMPTONSHIRE.—*Chief Towns.*—*Northampton*, on the Nen ; *Peterborough*, in the north, on the Nen ; south-west of which, on the same river, is Fotheringay Castle, where Mary queen of Scots was cruelly beheaded.

HUNTINGDONSHIRE.—*Chief Towns.*—*Huntingdon*.

on the Great Ouse, the birthplace of Oliver Cromwell ; *St Neots* and *St Ives*, both on the same river.

CAMBRIDGESHIRE.—*Chief Towns*.—*Cambridge*, on the Cam, with a famous university, consisting of twelve colleges and four halls ; *Ely*, on the Great Ouse ; *Newmarket*, in the east, noted for its horse-races.

NORFOLK.—*Chief Towns*.—*Norwich*, on the Yare, noted for the manufacture of crape ; *Yarmouth*, at the mouth of the Yare ; *Lynn Regis* or *King's Lynn*, near the mouth of the Great Ouse.

SUFFOLK.—*Chief Towns*.—*Ipswich*, on the Orwell, the birthplace of Cardinal Wolsey ; *Bury St Edmunds*, on the Larke.

ESSEX.—*Chief Towns*.—*Chelmsford*, on the Chelmer ; *Colchester*, on the Colne, famous for oysters ; *Harwich*, in the north-east, on the coast.

HERTFORDSHIRE.—*Chief Towns*.—*Hertford*, on the Lea, near which is Haileybury College, belonging to the East India Company ; *Ware*, farther down on the same river.

BEDFORDSHIRE.—*Chief Towns*.—*Bedford*, on the Great Ouse ; *Dunstable*, in the south.

BUCKINGHAMSHIRE.—*Chief Towns*.—*Buckingham*, on the Great Ouse ; *Eton*, on the Thames, opposite to Windsor, celebrated for its public school or college.

OXFORDSHIRE. — *Chief Towns*. — *Oxford*, on the Thames, with a very celebrated university, containing twenty colleges and five halls ; *Henley*, in the south, on the Thames ; *Banbury*, in the north, on the Cherwell.

GLOUCESTERSHIRE.—*Chief Towns*.—*Gloucester* and *Tewkesbury*, on the Severn ; *Cheltenham*, north-east of

Gloucester, much frequented for its mineral waters; *Bristol*, partly in Somersetshire, on the Avon.

MONMOUTHSHIRE.—*Chief Towns*.—*Monmouth* and *Chepstow*, on the Wye.

SOMERSETSHIRE.—*Chief Towns*.—*Bath*, on the Avon, a large and beautiful city, celebrated for its medicinal waters; *Wells*, south-west of Bath.

WILTSHIRE.—*Chief Towns*.—*Salisbury*, on the Avon, with a fine cathedral, the spire of which is the highest in England; *Wilton*, on the Willy, noted for its carpets.

BERKSHIRE.—*Chief Towns*.—*Reading*, at the junction of the Thames and Kennet; *Windsor*, farther down on the Thames, with a magnificent castle, a favourite residence of the kings of England.

MIDDLESEX.—*Chief Towns*.—LONDON, on the Thames, the capital of the British Empire, the largest, the most wealthy, the most commercial, and perhaps the most populous city in the world; *Brentford*, higher up, on the Thames.

SURREY.—*Chief Towns*.—*Guildford*, on the Wey; *Kingston*, on the Thames; *Croydon*, in the east of the county.

KENT.—*Chief Towns*.—*Maidstone*, *Rochester*, and *Chatham*, on the Medway; *Canterbury*, on the Stour, the archbishop of which is primate of all England; *Deptford*, *Greenwich*, famous for its hospital for old seamen, and the Royal Observatory, through which the first meridian passes, *Woolwich*, and *Gravesend*, all on the Thames; *Dover*, on the coast, the nearest port to France; *Deal*, north from Dover, on the coast; *Ramsgate* and *Margate*, in the Isle of Thanet.

SUSSEX.—*Chief Towns*.—*Chichester*, in the south-

west; *Brighton*, on the coast; *Lewes*, on the Ouse; *Hastings*, on the coast, where Harold the Second was defeated and slain by William the Conqueror.

HAMPSHIRE.—*Chief Towns.*—*Winchester*, on the Itchen, famous for its public school; *Southampton*, at the mouth of the Itchen; *Portsmouth*, on Portsea Island, the principal station for the British navy.

DORSETSHIRE.—*Chief Towns.*—*Dorchester*, on the Frome; *Weymouth* and *Poole*, on the coast.

DEVONSHIRE.—*Chief Towns.*—*Exeter*, on the Exe; *Plymouth*, on the coast, the second station in England for ships of war; *Dartmouth*, on the coast.

CORNWALL.—*Chief Towns.*—*Launceston*, on the Attery, near its junction with the Tamar; *Truro*, near the coast, in the neighbourhood of extensive tin mines; *Falmouth*, on the coast, whence packets sail for America, the West Indies, Spain, Portugal, the Mediterranean, &c.; *Pensance*, on the coast.

WALES

Is divided into twelve counties, viz. :—

FLINTSHIRE.—*Chief Towns.*—*Flint*, on the Dee; *St Asaph*, on the Clwyd; *Holywell*, near the Dee, with large copper-works.

DENBIGHSHIRE.—*Chief Towns.*—*Denbigh*, near the Clwyd; *Wrexham*, in the south-east, on a tributary of the Dee.

CARNARVONSHIRE.—*Chief Towns.*—*Carnarvon* and *Bangor*, on the Menai Strait; *Conway*, at the mouth of the Conway.

ANGLESEA.—*Chief Towns.*—*Beaumaris*, on the Menai Strait; *Holyhead*, on the west coast, whence packets sail regularly to Dublin.

MERIONETHSHIRE.—*Chief Towns.*—*Harleigh*, on the coast; *Dolgelly*, on the Avon, at the foot of Cader Idris; *Bala*, on a lake called Balapool or Pemble Mere.

MONTGOMERYSHIRE.—*Chief Towns.*—*Montgomery*, near the Severn; *Welshpool*, farther down, near the Severn.

RADNORSHIRE.—*Chief Towns.*—*New Radnor*, on the Somergill; *Presteigne*, on the Lugg.

CARDIGANSHIRE.—*Chief Towns.*—*Cardigan*, on the Tivy; *Aberystwith*, at the mouth of the Ystwith.

BRECKNOCKSHIRE.—*Chief Towns.*—*Brecknock* or *Brecon*, on the Usk; *Builth* and *Hay*, on the Wye.

GLAMORGANSHIRE.—*Chief Towns.*—*Cardiff* and *Landaff*, both on the Taafe; *Merthyr Tydvil*, the largest town in Wales, with extensive iron-works, is situate in the north-east of the county, on the Taafe; *Swansea*, on the south-west coast.

CARMARTHENSHIRE.—*Chief Towns.*—*Carmarthen*, on the Towy; *Kidwelly* and *Llanelly*, on the coast.

PEMBROKESHIRE.—*Chief Towns.*—*Pembroke*, on Milford Haven; *Haverford-west*, on the Dougledy; *St David's*, near the west coast.

BAYS and STRAITS.—*Robin Hood's Bay* and *Bridlington Bay*, on the east of Yorkshire; *Humber Mouth*, between Yorkshire and Lincoln; the *Wash*, between Lincoln and Norfolk; *Yarmouth Roads*, on the east of Norfolk; the *Downs*, on the east of Kent; the *Straits of Dover*, between Kent and France; *Spithead*, between Hampshire and the Isle of Wight; *Torbay*, on the south-east of Devonshire; *Mount's Bay*, on the south-west of Cornwall.

mouth from Gloucester, and falls into the mouth of the Severn.

The *Trent* rises in the north of Staffordshire, flows through Derbyshire, Nottingham, and Lincoln, and unites with the Ouse to form the *Humber*; the *Witham*, in Lincolnshire, falls into the Wash; the *Welland* separates Northamptonshire from Rutland, and passes through Lincoln into the Wash; the *Nen* flows through Northamptonshire, separates Cambridge from that county and Lincoln, and falls into the Wash; the *Great Ouse* rises in the south of Northamptonshire, passes, in a north-east direction, through Buckingham, Bedford, Huntingdon, Cambridge, and Norfolk, and falls into the Wash.

The THAMES, the largest river in England, rises in Gloucestershire, flows eastward between Berks, Surrey, and Kent, on the south, and Oxford, Buckingham, Middlesex, and Essex, on the north, and falls into the German Ocean, seventy miles east of London; the *Medway*, in Kent, falls into the mouth of the Thames; the *Itchen* and *Test*, in Hampshire; the *Avon*, in Wiltshire and Hampshire; and the *Exe* in Devonshire, flow south into the English Channel.

LAKES.—*Derwent Water* or *Keswick Lake*, in Cumberland; *Ullswater*, between Cumberland and Westmoreland; *Windermere*, between Westmoreland and Lancashire; *Wittleseamere*, in Huntingdon.

EXERCISES ON ENGLAND AND WALES.

What bounds England on the south? What separates Wales from Ireland? Which is the largest river in England? Between what counties does it flow? Which are the two most northern counties in England? What island forms a county of Wales? Name its chief towns. Where is the Isle of Man? What are its principal towns? What divides the

south of Wales from England? What bay is to the south-west of Cornwall? What is the capital of England? On what river is it situate? Name the island to the south of Hampshire. What bay separates it from this county? What county in England lies nearest to France?

Which is the largest county in England? On what river is Liverpool situate? Where is Snowdon? Between what counties does the Wash lie? What are the chief rivers that fall into it? What cape is on the south of Devon? Mention the two bays on the west of Pembroke. Where does the Severn rise? Through what counties does it pass? Name the isles to the south-west of Cornwall. In what counties is Bristol situate? What are the principal towns in Yorkshire? Where is the Peak? Name the mountains in the north-west of Yorkshire. What are the towns in Kent? For what is Greenwich noted? What two islands form part of Kent?

What river is formed by the Yorkshire Ouse and the Trent? Where is Spurn Head? Where are the rocks called the Needles? What counties of England border upon Wales? Where is Plynlimmon? Between what counties are the Lakes Ullswater and Windermere? What mountains separate Northumberland from Scotland. Through what counties does the Great Ouse pass? Name the chief towns in Lancashire. For what are Manchester and Liverpool famous? What capes are on the east of Kent? Where is Brighton? Where are Skiddaw and Scafell? Name the chief towns in this county. What bay is on the south-east of Devon?

Where is the Solway Frith? What are the towns in Northumberland? For what is Newcastle celebrated? Where is Flodden Field? What Scottish king fell here? For what is Berwick-upon-Tweed remarkable? Mention the principal river in Northumberland. Where are the Mendip Hills? Where is the Lake of Keswick? What are the towns in Middlesex? For what is London celebrated? What separates Anglesea from Carnarvon? What is the cape on the west of Anglesea? What is the course of the Wear? What are the towns in Gloucestershire? Through what counties does the Severn flow? Describe the course of the Wye.

How many counties are in England? How many in Wales? What counties border upon the English Channel? Name those that border upon the German Ocean. How many are bounded by the Irish Sea? Where is Holy Island? Where was Shakspeare born? Name the chief towns in Flintshire. For what is Merthyr Tydvil remarkable? Which is the highest mountain in Wales? For what is Birmingham famous? What are the two celebrated universities in England? What are the chief rivers that fall into the Yorkshire Ouse? Which is the nearest port to France?

Name the islands near the coast of France that belong to England. Where was Mary queen of Scots beheaded? For what is Truro noted?

Name the chief towns in Wiltshire. For what are they both noted? What capes are on the south of Dorset? Mention the towns in Cornwall? For what is Falmouth remarkable? Name the chief towns in Surrey. What are those in Berkshire? For what is Windsor distinguished? Where are Yarmouth Roads? What are the chief towns in Norfolk? For what is Norwich famed? At what distance on the Thames is London from the German Ocean? Where were Dr Samuel Johnson and Garrick born? Which are the principal stations for the English navy? Where did William the Conqueror defeat Harold the Second? Describe the course of the Dee.

SCOTLAND OR NORTH BRITAIN

Is bounded on the North by the North Sea; on the West by the Atlantic Ocean; on the South, by England and the Irish Sea; and on the East, by the German Ocean.

SCOTLAND contains thirty-three counties, viz.:—

ORKNEY and SHETLAND.—*Chief Towns.*—*Kirkwall* and *Stromness*, in Mainland, the chief of the Orkneys; *Lerwick*, in Mainland, the chief of the Shetland Isles.

CAITHNESS.—*Chief Towns.*—*Wick*, on the east coast, at the mouth of the Wick; *Thurso*, on the north coast, at the mouth of the Thurso.

SUTHERLAND.—*Chief Town.*—*Dornoch*, on Dornoch Frith.

ROSS-SHIRE.—*Chief Towns.*—*Tain*, on Dornoch Frith; *Dingwall*, on Cromarty Frith; *Fortrose*, on the Murray Frith.

CROMARTY.—*Chief Town.*—*Cromarty*, on Cromarty Frith.

INVERNESS-SHIRE.—*Chief Towns.*—*Inverness*, the

chief town in the Highlands, at the mouth of the Ness : five miles east from this town is Culloden Moor, where Prince Charles Stuart was totally defeated by the Duke of Cumberland, April, seventeen hundred and forty-six ; *Fort George*, in the north-east, on the Murray Frith ; *Fort Augustus*, at the southern extremity of Loch Ness ; *Fort William*, in the south, on Loch Eil.

ARGYLESHIRE.—*Chief Towns*.—*Inverary*, on Loch Fyne ; *Campbelton*, in the south, on the coast.

NAIRN.—*Chief Town*.—*Nairn*, on the coast, at the mouth of the Nairn.

MURRAY OR ELGIN.—*Chief Towns*.—*Elgin*, on the Lossie, noted for the ruins of its cathedral ; *Forres*, near the Findhorn.

BANFFSHIRE.—*Chief Towns*.—*Banff*, at the mouth of the Deveron ; *Portsoy* and *Cullen*, westward, on the coast.

ABERDEENSHIRE.—*Chief Towns*.—*Aberdeen*, consisting of *New Aberdeen*, at the mouth of the Dee, and *Old Aberdeen*, on the Don, with a university, composed of King's College and Marischal College ; *Peterhead* and *Fraserburgh*, on the coast.

KINCARDINE OR MEARNES.—*Chief Towns*.—*Bervie* and *Stonehaven*, on the coast.

ANGUS OR FORFAR.—*Chief Towns*.—*Forfar*, near the centre of the county, in the Valley of Strathmore ; *Dundee*, on the Frith of Tay, a large seaport ; *Montrose* and *Arbroath*, on the coast ; *Brechin*, on the South Esk.

PERTHSHIRE.—*Chief Towns*.—*Perth*, on the Tay ; *Scone*, near Perth, noted for its palace, where the kings of Scotland were formerly crowned ; *Dunkeld*, higher up on the Tay ; *Crieff*, on the Earn ; *Dumblane*, in the south, on the Allan, much frequented for its miner

waters : near this town is Sheriffmoor, where a battle was fought between the King's troops and the rebels in seventeen hundred and fifteen.

FIFE.—*Chief Towns.*—*Cupar*, on the Eden ; *Falkland*, westward, with the remains of a royal palace ; *St Andrews*, on the east coast, with the oldest university in Scotland ; *Dysart*, *Kirkcaldy*, *Kinghorn*, *Burntisland*, and *Inverkeithing*, on the Frith of Forth ; *Dunfermline*, inland, in the west of the county, the most celebrated place in the kingdom for the manufacture of table-linen.

KINROSS-SHIRE.—*Chief Town.*—*Kinross*, on Loch Leven.

CLACKMANNAN.—*Chief Towns.*—*Clackmannan*, near the Forth ; *Alloa*, on the Forth.

STIRLINGSHIRE.—*Chief Towns.*—*Stirling*, on the Forth ;—its castle was a favourite residence of the kings of Scotland :—two miles south of Stirling, is *Bannockburn*, where the English, under Edward the Second, were totally defeated by the Scots, commanded by Robert Bruce, on the twenty-fourth of June, thirteen hundred and fourteen ; *Falkirk*, in the east, where great cattle-markets, called *Trysts*, are held ; near it is *Carron*, with very extensive iron-works ; *Grangemouth*, at the junction of the Forth and Clyde Canal with the Carron.

LINLITHGOW OR WEST-LOTHIAN.—*Chief Towns.*—*Linlithgow*, with the ruins of a royal palace, in which Queen Mary was born ; *Borrowstownness*, or *Bo'ness*, and *Queensferry*, on the Frith of Forth.

EDINBURGH OR MID-LOTHIAN.—*Chief Towns.*—**EDINBURGH**, near the Frith of Forth, the capital of Scotland, much admired for its elegant buildings and beautiful situation, and famous for its university ; *Leith*, on

the Frith of Forth, the port of Edinburgh ; *Portobello* and *Musselburgh*, east from Edinburgh, on the Frith of Forth ; *Dalkeith*, on the Esk.

HADDINGTON OF EAST-LOTHIAN.—*Chief Towns.*—*Haddington*, on the Tyne, the birthplace of John Knox, the famous Scottish reformer ; *Dunbar* and *North Berwick*, on the coast.

BERWICKSHIRE OF MERSE.—*Chief Towns.*—*Greenlaw*, on the Blackadder ; *Dunse*, between the Blackadder and Whiteadder ; *Lauder*, on the Leader ; *Coldstream*, on the Tweed.

ROXBURGHSHIRE OF TEVIOTDALE.—*Chief Towns.*—*Jedburgh*, on the Jed ; *Kelso*, on the Tweed, opposite to the junction of the Teviot ; *Hawick*, on the Teviot ; *Melrose*, on the Tweed, celebrated for the ruins of its magnificent abbey, which are the most beautiful in the kingdom.

SELKIRKSHIRE.—*Chief Towns.*—*Selkirk*, on the Ettrick ; *Galashiels*, on the Gala, noted for its manufacture of woollen cloth.

Peebles of Tweeddale.—*Chief Town.*—*Peebles*, on the Tweed.

LANARK OF CLYDESDALE.—*Chief Towns.*—*Lanark*, on the Clyde ; *Hamilton*, farther down the river ; *Glasgow*, still farther down on the Clyde, the seat of a university, and the most commercial city in Scotland ; *Airdrie*, east from Glasgow.

DUMBARTON OF LENNOX.—*Chief Town.*—*Dumbarton*, near the junction of the Leven with the Clyde.

RENFREWSHIRE.—*Chief Towns.*—*Renfrew*, near the Clyde ; *Paisley*, on the White Cart, famous for its manufactures of muslin and cotton ; *Port-Glasgow*, on the

Frith of Clyde ; *Greenock*, farther down on the Frith of Clyde, a large seaport, and the birthplace of James Watt, the celebrated engineer.

AYRSHIRE.—*Chief Towns*.—*Ayr*, at the mouth of the Ayr ; *Irvine*, at the mouth of the Irvine ; *Kilmarnock*, higher up, near the same river ; *Girvan*, on the coast, at the mouth of the Girvan ; *Saltcoats*, on the coast.

DUMFRIES-SHIRE.—*Chief Towns*.—*Dumfries*, on the Nith ; *Sanquhar*, in the north-west, on the Nith ; *Annan*, near the mouth of the Annan ; *Moffat*, in the north, on the Annan, frequented for its mineral waters ; *Langholm*, on the Esk.

KIRKCUDBRIGHT OR EAST GALLOWAY.—*Chief Towns*.—*Kirkcudbright*, on the Dee ; *New Galloway*, near the Ken.

WIGTON OR WEST GALLOWAY.—*Chief Towns*.—*Wigton*, on Wigton Bay ; *Whitehorn*, near Wigton Bay ; *Stranraer*, at the head of Loch Ryan ; *Portpatrick*, on the west coast.

BUTE and ARRAN.—*Chief Towns*.—*Rothsay*, in Bute, on the coast ; *Brodwick*, in Arran, on the coast.

FRITHS, BAYS, and the LOCHS which are arms of the sea.—The *Pentland Frith*, between Caithness and the Orkneys ; *Dornoch Frith*, between Sutherland and Ross-shire ; *Cromarty Frith*, between Ross-shire and Cromarty ; the *Murray Frith*, between Ross-shire on the one side, and Inverness, Nairn, and Murray, on the other ; the *Frith of Tay* separates Fife from Perth and Forfar ; the *Frith of Forth* separates the three Lothians from Fife ; the *Solway Frith* separates Dumfries and Kirkcudbright from Cumberland ; *Wigton Bay*, between Wigton and Kirkcudbright ; *Glenhuce Bay*, to the south

of Wigtonshire; *Loch Ryan*, in the north-west of Wigton.

The *Frith of Clyde* separates Renfrew and Ayrshire from Dumbarton and Argyle; *Loch Long*, between Dumbarton and Argyleshire; *Loch Fyne*, in the south of Argyle; *Kilbrannan Sound*, between Arran and the south of Argyle; the *Sound of Isla*, between Jura and Isla; the *Sound of Jura*, between Jura and Argyleshire; *Loch Etive* and *Loch Linnhe*, in the north of Argyle; the *Sound of Mull*, between Mull and Argyleshire; the *Minch* separates the Long Island from Sutherland, Ross-shire, and the Isle of Skye; *Loch Broom*, in the north-west of Ross-shire.

ISLANDS.—The *Shetland Islands* lie fifty miles north-east from the Orkneys,—the chief are *Mainland* and *Yell*; the *Orkney Islands* are ten miles to the north of Caithness,—the chief are *Mainland* or *Pomona*, and *Hoy*; the *Hebrides* or *Western Islands* include all the islands that lie along the west coast,—the chief of which are, the *Long Island* (comprehending *Lewis*, *Harris* which is joined to *Lewis*, *North Uist*, *Benbecula*, *South Uist*, *Barra*, and some other small islands).

The *Isle of Skye*, west of Inverness and Ross-shire; *Rum* and *Egg*, south from Skye; *Mull*, on the north-west of Argyle; to the west of Mull are, *Coll*, *Tiree*, *Staffa*, celebrated for its basaltic pillars and natural caverns, the largest of which is called Fingal's Cave, and *Iona* or *Icolmkill*, an ancient seat of learning, and a royal burial-place; *Jura* and *Isla*, on the west of Argyle; *Bute* and *Arran*, in the Frith of Clyde.

CAPES.—*St Abb's Head*, on the north-east of Berwickshire; *Fife Ness*, on the east of Fife; *Kinnaird's Head*,

on the north-east of Aberdeenshire; *Tarbet Ness*, on the north-east of Ross-shire; *Duncansbay Head*, on the north-east, and *Dunnet Head*, on the north of Caithness; *Cape Wrath*, on the north-west of Sutherland; the *Butt of Lewis*, on the north of Lewis; the *Point of Ardnamurchan*, on the north-west of Argyleshire; the *Mull of Cantyre*, on the south of Argyle; *Fairland Point*, on the north-west of Wigton; the *Mull of Galloway*, on the south-west, and *Burrow Head*, on the south-east of Wigton; *Saturnmoss* or *Southernmoss*, on the south-east of Kirkcudbright.

MOUNTAINS.—*Ben Wyvis*, in a detached part of Cromarty which is surrounded by Ross-shire; *Ben Nevis*, in the south of Inverness-shire, and *Ben Macdui*, in the south of Aberdeenshire, the two highest mountains in Great Britain;* the *Grampians* extend from Argyleshire to Kincardine,—the principal of which are *Mount Battock*, on the borders of Aberdeen, Kincardine, and Forfar; *Cairngorm*, in the east of Inverness-shire, remarkable for its beautiful crystals called Cairngorms; *Schiehallion*, *Ben Lawers*, *Ben More*, *Ben Vorlich*, and *Ben Ledi*, in Perthshire; *Ben Lomond*, in the north-west of Stirlingshire.

The *Ochils*, in the south-east of Perthshire; *Ben Cruachan*, in the north-east of Argyleshire; the *Pentland Hills*, in Edinburghshire; the *Lammermoor Hills*, on the borders of East Lothian and Berwickshire; the *Cheviot Hills*, between Roxburghshire and Northumberland; the *Moffat Hills*, and the *Lead Hills*, on the north of Dumfries-shire; *Tintock* or *Tinto*, in Lanarkshire.

RIVERS.—The *Spey*, from Inverness-shire, flows

* Ben Nevis is 4870 and Ben Macdui 4362 (or 4360) feet above the sea.

north-east, forming part of the boundary between Banff and Murray, and falls into the Murray Frith; the *Don* and the *Dee* rise in the west of Aberdeen, and flow east through that county into the German Ocean; the *Tay* rises in the west of Perthshire, flows through Loch Tay, proceeds north-east, then runs south-east, forms the Frith of Tay, and pours into the German Ocean a greater quantity of water than any other river in North Britain; the *Garry*, in the north, and the *Earn*, in the south, of Perthshire, fall into the Tay.

The *Forth* rises in Ben Lomond, flows eastward, separating Stirling from Perthshire, and falls into the German Ocean by a broad frith; the *Clyde* rises in the south of Lanarkshire, and flows north-west through that county into the Atlantic by a large frith; the *Tweed* rises in the south of Peebles-shire, flows through that county, Selkirk, and Roxburgh, separates Berwickshire from England, and falls into the German Ocean; the *Ettrick*, in Selkirkshire, and the *Teviot*, in Roxburghshire, run into the Tweed; the *Esk*, the *Annan*, and the *Nith*, flow south through Dumfries-shire into the Solway Frith; the *Dee* flows through Kirkcudbright into the Solway Frith.

LAKES.—*Loch Shin*, in Sutherland; *Loch Maree*, in the west of Ross-shire; *Loch Ness* and *Loch Lochy*, in Inverness-shire, united by the Caledonian Canal; *Loch Awe*, in Argyleshire; *Loch Rannoch*, *Loch Tay*, *Loch Earn*, and *Loch Ketterin*, in Perthshire; *Loch Lomond*, between Dumbarton and Stirlingshire,—it is studded with about thirty islands, and its scenery is peculiarly grand and picturesque; *Loch Leven*, in Kinross-shire,—on one of its islands is the castle in which Queen Mary was confined.

EXERCISES ON SCOTLAND.

What bounds Scotland on the east? How many counties does it contain? What counties border upon England? What is the cape on the south of Argyle called? What two islands in the Frith of Clyde form a county? Name the chief town in each. Where are the Hebrides? Name the chief of those islands comprehended under the name of Long Island. What separates them from Sutherland, Ross, and the Isle of Skye? What separates the Orkneys from Caithness? In what direction, and how far, are the Shetlands from the Orkneys? Name the chief of the Shetland Islands. Where is the Dornoch Frith? Name the chief towns in Inverness-shire. Where was the Pretender's army totally defeated by the Duke of Cumberland?

What county lies between Banff and Nairn? Describe the course of the Spey. Mention the chief lochs in Perthshire. What separates Fife from the Lothians? Where is Ben Lomond? What river has its source in this mountain? Describe its course. What are the chief towns in Mid-Lothian? For what is Edinburgh celebrated? Where are the Lammermoor Hills? Describe the course of the Tweed. What rivers does it receive from Selkirk and Roxburgh? Where is the Solway Frith? What rivers does it receive from Scotland? Name the loch in the south of Sutherland. Where is Ben Wyvis? Which are the two highest mountains in Great Britain?

Where is the Murray Frith? What are the chief rivers in Aberdeenshire? Mention the towns in Kincardine? Which is the largest river in Perthshire? What are the chief towns in this county? Name the most remarkable mountains in it. Where is Loch Leven? Who was confined in Loch Leven Castle? What loch separates Stirling from Dumbarton? Through what county does the Clyde flow? What are the chief towns in this county? For what is Glasgow distinguished? Name the chief of the Western Islands situate to the west of Argyle. For what is Staffa remarkable? What island is distinguished as an ancient seat of learning and a royal burial-place?

Mention the chief towns in Argyleshire. Name those in Ayrshire. What are the three capes on Wigtonshire? What bay is to the south of Wigton? Where is the bay of Wigton? Where is the Point of Ardnamurchan? Where is Loch Awe? Name the lochs in Argyleshire that are arms of the sea. Through what counties in Scotland do the two rivers Dee flow? Name the cape on the south-east of Kirkcudbright. What are the principal towns of Dumfries-shire? Name those in Rox-

burghshire? Where are the Cheviot Hills? What mountains are on the north of Dumfriesshire?

Where is the Frith of Tay? Name the chief towns in Fife. Where are the Pentland Hills? What are the towns in West-Lothian? Where is Cairngorm? For what is it noted? What are the principal towns in Berwickshire? Name the cape on the north-east of this county. What are the chief towns in Renfrewshire? For what manufactures is Paisley famed? Where were the kings of Scotland formerly crowned? Which is the chief town in the Highlands? Where was a battle fought between the King's troops and the rebels in seventeen hundred and fifteen? How many universities are in Scotland? Which is the oldest? Which is the most celebrated place in the kingdom for the manufacture of table-linen?

Where were the English completely defeated by Robert Bruce? Where was Queen Mary born? For what is Carron famous? Where was John Knox the famous reformer born? What town on the Tweed is celebrated for the ruins of its magnificent abbey? Name the chief towns in Aberdeenshire. How far do the Grampians extend? What are the principal lochs in Inverness-shire? Where is Kinnaid's Head? What are the three capes on the north of Scotland? Where is Loch Fyne? On what river is Stirling situated? Where is the Sound of Isla? Which are the two most northerly counties in Scotland? Name the county in the south-west of Scotland. Name the three counties on the south of Aberdeen.

IRELAND

Is bounded on the North, South, and West, by the Atlantic; and on the East by the Irish Sea and St George's Channel. It is divided into four provinces,—Ulster, Leinster, Munster, and Connaught, which contain thirty-two counties.

ULSTER contains the following counties:—

ANTRIM.—*Chief Towns.*—*Antrim*, on Lough Neagh; *Belfast*, at the head of Carrickfergus Bay, noted for its linen manufactures; *Carrickfergus*, on the same bay, north-east from Belfast

DOWN.—*Chief Towns.*—*Downpatrick*, near Strangford Bay; *Newry*, on the Newry; *Donaghadee*, on the north-east coast, twenty-two miles from Portpatrick in Scotland.

ARMAGH.—*Chief Town.*—*Armagh*, on the Callen, the archbishop of which is primate of all Ireland.

MONAGHAN.—*Chief Town.*—*Monaghan*, in the centre of the county.

CAVAN.—*Chief Town.*—*Cavan*, on a river of the same name.

FERMANAGH.—*Chief Town.*—*Enniskillen*, on an island which is situate in almost the narrowest part of Lough Erne.

TYBONE.—*Chief Towns.*—*Dungannon*, in the south-east of the county; *Strabane*, on the Foyle.

LONDONDERRY.—*Chief Towns.*—*Londonderry*, on the Foyle; *Coleraine*, on the Bann.

DONEGAL.—*Chief Towns.*—*Donegal*, on Donegal Bay; *Ballyshannon*, at the mouth of the Erne.

LEINSTER contains the following counties:—

LOUTH.—*Chief Towns.*—*Drogheda*, near the mouth of the Boyne,—in the neighbourhood of this town was fought the battle of the Boyne, in which William III. defeated James II.; *Dundalk*, on Dundalk Bay; *Carlingford*, on Carlingford Bay.

EAST MEATH.—*Chief Towns.*—*Trim*, on the Boyne; *Navan*, farther down, at the junction of the Blackwater and the Boyne.

WEST MEATH.—*Chief Towns.*—*Mullingar*, in the centre of the county; *Athlone*, on the Shannon.

LONGFORD.—*Chief Towns.*—*Longford*, on the Camlin, a branch of the Shannon; *Lanesborough*, on the Shannon.

KING'S COUNTY.—*Chief Towns.*—*Philipstown*, on the Grand Canal ; *Birr*, on a branch of the Shannon.

KILDARE.—*Chief Towns.*—*Kildare*, near the middle of the county ; *Athy*, on the Barrow ; *Naas*, near the Grand Canal ; *Maynooth*, in the north of the county, at which there is a college for the education of the Roman Catholic clergy.

DUBLIN.—*Chief Towns.*—**DUBLIN**, the capital of Ireland, on a beautiful bay at the mouth of the Liffey ; *Swords*, north from Dublin.

WICKLOW.—*Chief Towns.*—*Wicklow*, on the coast ; *Arklow*, near the mouth of the Avoca.

CARLOW.—*Chief Towns.*—*Carlow*, on the Barrow ; *Leighlin*, farther south, on the Barrow.

QUEEN'S COUNTY.—*Chief Towns.*—*Maryborough*, near the centre of the county ; *Portarlinton*, northward on the Barrow.

KILKENNY.—*Chief Town.*—*Kilkenny*, on the Nore, in the neighbourhood of marble quarries.

WEXFORD.—*Chief Towns.*—*Wexford*, at the mouth of the Slaney ; *Enniscorthy*, higher up on the Slaney ; *New Ross*, on the Barrow.

MUNSTER contains the following counties :—

TIPPERARY.—*Chief Towns.*—*Tipperary*, on a branch of the Suir ; *Clonmel*, on the Suir ; *Cashel*, east from Tipperary, the see of an archbishop.

WATERFORD.—*Chief Town.*—*Waterford*, at the mouth of the Suir, a large seaport.

CORK.—*Chief Towns.*—*Cork*, at the mouth of the Lee, the second city in Ireland ; *Youghall*, at the mouth of the Blackwater ; *Kinsale*, at the mouth of the Bandon ; *Bandon* or *Bandonbridge*, higher up on the Bandon.

KERRY.—*Chief Towns.*—*Tralee*, on Tralee Bay ; *Dingle*, on Dingle Bay ; *Killarney*, on the Lake of Killarney.

LIMERICK.—*Chief Town.*—*Limerick*, on the Shannon, the third city in Ireland.

CLARE.—*Chief Town.*—*Ennis*, on the Fergus, a branch of the Shannon.

CONNAUGHT contains the following counties :—

GALWAY.—*Chief Towns.*—*Galway*, on Galway Bay ; *Tuam*, north-east from Galway, the see of an archbishop.

MAYO.—*Chief Towns.*—*Castlebar*, inland, east from Clew Bay ; *Ballinrobe*, east of Lough Mask.

SLIGO.—*Chief Town.*—*Sligo*, in the north-east, on Sligo Bay.

LEITRIM.—*Chief Towns.*—*Carrick*, on the Shannon ; *Leitrim*, higher up on the same river.

ROSCOMMON.—*Chief Towns.*—*Roscommon*, west from Lough Ree ; *Boyle*, in the north, on a river of the same name.

BAYS and HARBOURS.—*Carrickfergus Bay*, or *Belfast Lough*, between Antrim and Down ; *Strangford Bay*, in the north-east of Down ; *Carlingford Bay*, between Down and Louth ; *Dundalk Bay*, to the east of Louth ; *Dublin Bay*, on the east of Dublin ; *Wexford Harbour*, on the south-east of Wexford ; *Waterford Harbour*, between Waterford and Wexford ; *Cork Harbour*, on the south-east of Cork ; *Dunmanus Bay*, and *Bantry Bay*, on the west of Cork.

Kenmare River, on the south-west of Kerry ; *Dingle Bay* and *Tralee Bay*, on the west of Kerry ; the *Mouth of the Shannon* separates Clare from Limerick and Kerry ; *Galway Bay*, between Galway and Clare ; *Clew*

Bay, on the west of Mayo ; *Sligo Bay*, on the north-east of Sligo ; *Donegal Bay*, on the south of Donegal ; *Lough Swilly*, in the north-west of Donegal ; *Lough Foyle*, between Donegal and Londonderry.

ISLANDS.—*Rathlin Isle*, to the north of Antrim ; *Clare* or *Clear Island*, to the south-west of Cork ; the *South Isles of Arran*, at the entrance of Galway Bay ; *Clare Island*, at the mouth of Clew Bay ; the *Isle of Achil*, to the west of Mayo ; the *North Isles of Arran*, to the west of Donegal.

CAPES.—*Malin Head*, on the north of Donegal ; *Fair Head*, on the north-east of Antrim ; *Howth Head*, on the east of Dublin ; *Carnsore Point*, on the south-east of Wexford ; *Cape Clear*, on the south of Clare or Clear Island ; *Mixsen Head*, on the south-west of Cork ; *Loop Head*, on the south-west of Clare ; *Slyne Head*, on the west of Galway ; *Urris Head*, on the north-west of Mayo.

MOUNTAINS.—The *Mountains of Mourne*, in the south of Down ; *Mount Nephin*, in Mayo, ten miles north from Castlebar ; *Croagh Patrick*, in the south-west of Mayo ; *Sliebh Bloom*, in King's County and Queen's County ; the *Wicklow Mountains*, in Wicklow ; *Mangerton* and *Macgillicuddy's Reeks*, in Kerry, near the Lake of Killarney.

RIVERS.—The *Foyle* receives the *Mourne* from Tyrone, and proceeds northward to Lough Foyle ; the *Bann* rises in the Mountains of Mourne, flows northward through Lough Neagh, separates Antrim from Londonderry, and falls into the Atlantic ; the *Boyne* flows north-east through East Meath into the Irish Sea below Drogheda ; the *Liffey* rises in the Mountains of Wick-

low, and flows through Kildare and Dublin into Dublin Bay; the *Slaney*, from Wicklow, flows south through Carlow and Wexford, into Wexford Harbour.

The *Barrow*, from the Sliebh Bloom Mountains, flows south, forming the eastern boundary of Queen's County and Kilkenny, and falls into Waterford Harbour; the *Nore* runs through Queen's County and Kilkenny into the Barrow; the *Suir* flows through Tipperary, forms part of the northern boundary of Waterford, and joins the Barrow in Waterford Harbour; the *Blackwater*, the *Lee*, and the *Bandon*, flow east through Cork into the Atlantic.

The SHANNON flows out of Lough Clean, a small lake to the north of Lough Allen, in Leitrim, runs south through Loughs Allen, Baffin, Ree, and Derg, and proceeds westward into the Atlantic, separating, in its course, Roscommon from Leitrim, Longford, West Meath, and King's County; Galway from King's County and Tipperary; and Clare from Tipperary, Limerick, and Kerry; the *Suck* divides Roscommon from Galway, and joins the Shannon; the *Erne*, from Longford, flows north-west through Lough Erne into Donegal Bay.

LAKES.—*Lough Neagh*, between Antrim and Tyrone; *Lough Erne*, in Fermanagh; *Lough Allen*, in Leitrim; *Lough Baffin*, south of Lough Allen; *Lough Ree* separates Roscommon from Longford and West Meath; *Lough Derg* separates Galway and Clare from Tipperary; *Lough Conn*, in Mayo; *Lough Mask*, on the borders of Mayo and Galway; *Lough Corrib*, in Galway; the *Lake of Killarney*, in Kerry, celebrated for its fine scenery.

EXERCISES UPON IRELAND.

How many provinces are in Ireland? Name the counties in Ulster. Where is Lough Neagh? What bay separates Antrim from Down? What two towns are situate on this bay? How is Leinster situate? Mention the counties it contains. Describe the course of the Barrow. What large stream joins it from Kilkenny? What river unites with it in Waterford Harbour? Describe the course of this river. What are the counties in Munster? Name the three principal rivers in Cork. What is the name of the beautiful lake in Kerry? What are the two mountains in the neighbourhood of this lake?

Name the counties in Connaught. Where does the Shannon rise? Describe its course. What bay is on the west of Mayo? Where is Lough Erne? Name the towns in Donegal. What bay is on the east of Louth? What are the towns in East Meath? What is the cape on the east of Dublin? On what river is the city of Dublin? Where is Rathlin Isle? How is Lough Foyle situate? What river falls into it? Where is Donegal Bay? Where are the North Isles of Arran? What is the cape on the north of Donegal? Where is Galway Bay? Name the towns in Kerry. What are the bays on the west of Cork?

Where is Cape Clear? Where does this island lie? Where is the other island called Clare? What are the towns in Cork? What river flows through Tipperary? In what province is the county of Wexford? What large river flows through this county? Name the towns in it. What is the cape on the south-east of the county? Name all the counties on the east coast of Ireland. Where is Carlingford Bay? What are the towns in Down. Describe the course of the Bann. Through what loughs does the Shannon flow? Where is the county of Clare? What divides it from Limerick and Kerry? What is the cape on the south-west of Clare? Where is Dingle Bay?

On what river is Waterford situate? Where are the South Isles of Arran? Where is Mizen Head? Which is the largest island on the west of Mayo? What is the cape on the north-west of this county? Where is Lough Corrib? What are the towns in Galway? Name the bay in the north-east of Sligo. Which is the chief town in Fermanagh? What counties border upon Tyrone? What are the chief towns in Londonderry? Where is Fair Head? Where are the Mountains of Mourne? Where is Lough Swilly? Which is the chief town in Queen's County? Where is Lough Conn? On what river is Kilkenny situate?

Where is Mount Nephin? What counties does Lough Derg separate? What county of Ireland lies nearest to Scotland? What separates Ire-

land from Wales? What parts of Ireland are bounded by the Atlantic? What sea lies between Ireland and England? Where is Athlone? In what county is Philipstown? Name the towns in Longford. Where is Lough Mask? In what province is Roscommon? What river runs through Kildare and Dublin? On what river is Carlow situate? Where is Wexford Harbour? Where is Kenmare River? On what river is the town of Limerick situate? Where is Ennis?

Where is Croagh Patrick? Where was the battle of the Boyne fought? What is Belfast noted for? How far is Donaghadee distant from Portpatrick? Where is the college for the education of the Roman Catholic clergy? What is the capital of Ireland? Which is the second town in Ireland? Who is primate of all Ireland? Which is the most southerly county in Ireland? Name the county in the north-west of Leinster. What are the three most northern counties in Ireland? What county is to the south of Dublin? Name the mountains in this county. What county is in the north-east of Leinster?

PALESTINE OR THE HOLY LAND

WAS bounded on the North by Syria; on the West by the Mediterranean Sea, called in the Bible the Great Sea; on the South by Arabia; and on the East by Arabia and Syria.

It is called also in Scripture the *Land of Canaan*; the *Land of Promise*; the *Land of Judah*; the *Land of Israel*; and the *Land of the Hebrews*.

Palestine was originally inhabited by the *Amorites* on both sides of the Jordan; the *Sidonians* in the north-west; the *Hivites* in the north-east; the *Girgashites* or *Gergesenes* east of the Sea of Galilee; the *Perizzites* on the western side of the Jordan; the *Hittites* on the west of the Dead Sea; the *Jebusites* west from the northern part of the Dead Sea, and the *Philistines* along the south-west coast.

TRIBES.—*Asher*, in the north-west; *Naphtali*, east of *Asher*; *Zebulon*, south of *Asher*; *Issachar*, Half Tribe of *Manasseh*, *Ephraim*, and *Benjamin*, west of the *Jordan*; *Judah*, west from the *Dead Sea*; *Dan* and *Simeon*, in the south-west on the coast; Half Tribe of *Manasseh*, *Gad*, and *Reuben*, east of the *Jordan*.

ROMAN PROVINCES.—*Galilee*, in the north; *Samaria*, in the middle; *Judea*, in the south; and *Perea*, east of the *Jordan*.

GALILEE (divided into Upper Galilee or Galilee of the Gentiles, and Lower Galilee), comprehending the tribes of

ASHER.—*Chief Towns.*—*Tyre* and *Sidon*, famous for their commerce, but no less notorious for their wickedness; *Sarepta* or *Zarephath*, where *Elijah* raised the widow's son to life; *Accho* or *Ptolemais*, all on the coast.

NAPHTALI.—*Chief Towns.*—*Kadesh-Naphtali*; *Kirjathaim* or *Kartan*; *Bethsaida*, and *Capernaum*, in the neighbourhood of which our Saviour often preached and performed many miracles; *Chinnereth*; *Hazor*; *Harosheth* of the Gentiles; *Hammoth-Dor*; *Laish* or *Cesarea-Philippi*, near the source of the *Jordan*.

ZEBULON.—*Chief Towns.*—*Jokneam*, near Mount *Carmel*; *Tabor*; *Tiberias*, on the Sea of Galilee, so called in honour of *Tiberius Cesar*, where *Matthew* was found sitting at the receipt of custom; *Nazareth*, noted as the place where our Saviour spent the earlier part of his life; *Cana*, of Galilee, where our Saviour performed his first miracle,—turning water into wine.

ISSACHAR.—*Chief Towns.*—*Jexreel*, where *Naboth* was stoned to death by order of *Jezebel*; *Shunem*, where *Elisha* raised a young man from the dead; *Daberath*;

Nain, where Christ restored the widow's son to life ; *Anem* or *Engannim* ; *Beth-Shemesh*.

SAMARIA, comprehending the tribe of

EPHRAIM.—*Chief Towns*.—*Samaria*, the capital of the ten tribes of Israel ; *Sychar* or *Shechem*, near which was Jacob's well, where Christ conversed with the woman of Samaria ; *Lydda*, where Peter healed Eneas, who was sick of the palsy ; *Sharon*, *Saron*, or *Lasharon*, situate in a district celebrated for its roses ; *Shiloh*, where Joshua divided Canaan among the tribes, and fixed the Tabernacle, which remained here upwards of three hundred years.

HALF TRIBE of MANASSEH.—*Chief Towns*.—*Cesarea*, the residence of the Roman governors, where Herod Agrippa was eaten up of worms, and where Paul was tried before Felix and Festus ; and *Dor*, both on the coast ; *Megiddon* or *Megiddo* ; *Bethshan* or *Scythopolis* ; *Endor*, where Samuel appeared to Saul at the witch's incantation ; *Dothan*, where Joseph was sold by his brethren to the Ishmaelites.

JUDEA, comprehending the tribes of

BENJAMIN.—*Chief Towns*.—*Jerusalem*, the city of David, formerly called *Jebus* or *Salem*, capital of the kingdom of Judah. This city was about five miles in circumference, and had eleven gates ; *Bethany*, where our Saviour raised Lazarus from the dead ; and *Bethphage*, on the east of Jerusalem ; *Jericho*, the first city taken by Joshua ; *Gibeon*, where Joshua defeated five kings, on which occasion the sun and moon stood still ; *Ramah*, where Samuel dwelt and was buried ; *Lux* or *Bethel*, remarkable for Jacob's surprising vision ; *Emmaus*, on the road to which our Saviour first appeared to his disciples after his resurrection.

JUDAH.—*Chief Towns.*—*Bethlehem*, the birthplace of our Saviour and David, near which the angels appeared to the shepherds; *Hebron*, where Abraham was buried; *Kadesh-Barnea*, whence Moses sent the spies; *Makkedah*, near which Joshua defeated and hanged the five kings who made war upon Gibeon; *Adullam*, near which David concealed himself in a cave from Saul; *Beth-Shemesh*, where the ark was restored, and where fifty thousand and seventy of the inhabitants were slain for looking into it; *Kirjath-Jearim*, where the ark remained for a long time.

DAN.—*Chief Towns.*—*Joppa* or *Jaffa*, in the north-west, on the coast, where the prophet Jonah embarked for Tarshish, and Peter restored Dorcas to life; *Gath*, the city of Goliath the giant; *Ekron*, *Ashdod*, or *Axotus*, on the coast, where stood the famous temple of Dagon; *Timnath*, where Samson slew the lion; *Aijalon*; *Arimathea*, where Joseph the honourable counsellor dwelt.

SIMEON.—*Chief Towns.*—*Beersheba*, where Abraham, Isaac, and Jacob dwelt. In the neighbouring desert, Hagar, fleeing with Ishmael, was visited by an angel; *Hormah*; *Gerar*; *Gaza*, the gates of which Samson carried almost to Hebron; *Askelon*, on the coast, a noted city of the Philistines.

PEREA, comprehending the

HALF TRIBE of MANASSEH.—*Chief Towns.*—*Geshur*; *Golan*; *Chorazin*; *Magdala*, and *Dalmanutha*, on the Sea of Galilee; *Ashtaroth-Karnaim*, the residence of Og, king of Bashan; *Edri*; *Gadara*, near which two men possessed with devils were healed by Christ.

GAD.—*Chief Towns.*—*Ramoth-Gilead*, where Ahab, king of Israel, was slain by an arrow; *Succoth*; *Mahanaim*, so called from Jacob's vision of two hosts of

the *Kidron* or *Cedron*, which Christ crossed in his way to the garden of Gethsemane, rises north of Jerusalem, and flows south-east into the Dead Sea; the *Cherith*, in Ephraim, on the banks of which Elijah was fed by ravens, falls into the Jordan.

LAKES.—The *Waters of Merom* or *Upper Lake*, near which Joshua overcame the confederated Canaanitish kings; the *Sea of Galilee*, or *Lake of Gennesareth*, or *Sea of Tiberias*, or *Sea of Chinnereth*,—celebrated for Christ's walking on its waters—stilling the tempest—causing the miraculous draught of fishes, &c.,—between Manasseh on the east, and Naphtali, Zebulon, and Issachar, on the west; the *Sea of Jazer*, in the east of Gad; the *Dead Sea*, or *Lake of Sodom*, or *Sea of the Plain*, or *Salt Sea*, once a beautiful and fertile district, where Sodom, Gomorrah, Admah, and Zeboim, were situate.

PLAINS, VALLEYS, WOODS, &c.—The *Plain of Megiddo* or *Jezreel*, where Josiah, king of Judah, was slain, in Issachar and Zebulon; the *Plain of Sharon*, in the west of Ephraim and Manasseh; another in the east of Zebulon, and a third in Gad; the *Plain of Moreh*, between Mounts Ebal and Gerizim, in the north of Ephraim; the *Valley of Achor*, where Achan was stoned to death for having concealed part of the accursed spoil at the taking of Jericho, contrary to the express command of Joshua; the *Wilderness of Judea*, where John the Baptist began his public ministry, and where our Saviour fasted forty days, and was tempted of the devil, along the west bank of the Jordan and the Dead Sea; the *Valley of Hinnom*, where the Jews sacrificed their children to the idol Moloch; the *Valley of Shaveh* or *King's Dale*, the *Valley of Jehoshaphat*, and the *Valley of Rephaim*, in the neighbourhood of Jerusalem.

In the north-west of Judah are the *Valley of Zephathah*, the *Valley of Etah*, where David slew Goliath of Gath; the *Forest of Hareth*, where David hid himself from Saul; the *Plain of Mamre*, where Abraham entertained three angels, south of Hebron. On the west of the Dead Sea are the *Valley of Salt*, where David smote the Syrians; the *Wilderness of Maon*; the *Wilderness of Jeruel*; the *Wilderness of Ziph*; and the *Wilderness of Tekoah*,—of which city Amos the prophet was a herdsman; the *Wood of Ephraim*, in Gad, where Absalom's army was defeated, and himself slain by Joab.

EXERCISES ON PALESTINE OR THE HOLY LAND.

How was Palestine bounded? By what names is it called in Scripture? Where did Elisha raise a young man from the dead? Where was Matthew found sitting at the receipt of custom? By whom was Palestine originally inhabited? Where was Cesarea-Philippi situate? Where did Elijah raise the widow's son to life? In what tribe was Jezreel situate? For what was it noted? By what name is the Mediterranean called in the Bible? In what tribe and province was Beth-Shemesh? Name the tribes among whom Palestine was divided. Tell their situations. For what was Nain remarkable? What were the Roman provinces, and how were they situate?

In what tribe was Cana of Galilee? For what was it noted? How was Galilee divided? Mention the tribes which it comprehended. For what was Nazareth noted? Where and how were Tyre and Sidon situate? For what were they famous? In the neighbourhood of what towns did our Saviour often preach and perform many miracles? How was Tiberias situate? Why so called? What tribes were comprehended in Samaria? Where was Joseph sold by his brethren? In what tribe and province was it? What tribes were comprehended in Judea? What was the capital of the ten tribes of Israel?

In what tribe and province was Emmaus? What occurred on the road to this place? Name the capital of the kingdom of Judah? Near what city was Jacob's well? What occurred there? In what tribe was Ramah? What was Jerusalem formerly called? For what was Joppa or Jafia noted? Where were Bethany and Bethphage situate? What

was the circumference of Jerusalem? How many gates had it? In what tribe was Cesarea situate? For what was Shiloh remarkable? How long did the tabernacle remain at Shiloh? For what was Bethany noted? For what was Cesarea remarkable?

Where did Peter heal Eneas? What was his disease? For what was Luz or Bethel remarkable? Name the first city in Palestine taken by Joshua. In what tribe was Sharon situate? By what other names was it known? For what was the district celebrated? On what occasion did the sun and moon stand still? For what was Endor noted? Where was the residence and burial-place of Samuel? Where was Askelon situate? What remarkable event happened at Bethlehem? For what was Bethabara noted? What other event occurred near this place? What tribes were comprehended in Perea? Whom did Moses defeat at Jahaz?

Name the towns in the Half Tribe of Manasseh, on the Sea of Galilee. Near what place did the angels appear to the shepherds? What was Rabbah afterwards called? In what tribe was Hebron? Why was Mahanaim so called? For what was Kadesh-Barnea noted? Of what city did Samson carry off the gates? In what tribe was Heshbon? What occurred at Makkedah? In what tribe was Ramoth-Gilead? What event occurred here? Who was buried in Hebron? Name the residence of Og, king of Bashan. Where did David conceal himself from Saul? What occurred near Gadara? Where did Abraham, Isaac, and Jacob dwell?

Where was Lebanon situate? For what was Bashan noted? For what was Beth-Shemesh in Judah remarkable? What happened at Timnath? What occurred in the desert near Beersheba? In what tribes were the two mountains Carmel situate? What is supposed of Mount Tabor? In what tribe was Gath? Who belonged to this city? For what is Mount Ephraim noted? Where was Ashdod or Azotus situate? What famous temple stood here? Name the mountains on which Jerusalem was built. What cities were once situate in the district now occupied by the Dead Sea? In what direction do the Waters of Lebanon flow?

Where was Hermon, Sirion, or Sion situate? What allusion is made to it in Scripture? What occurred near the Waters of Merom? Where was the valley of Elah situate? What happened here? By what names is the Sea of Galilee called? What happened in the Kishon? What event took place on Carmel, on the north-west of Manasseh? How was Mount Calvary situate? For what was it famous? Of what tribes did the Kanah form part of the boundary? In what tribe was the Cherith?

What event occurred on the banks of this river? Where was Joshua buried? For what is Moriah remarkable?

Through what tribe does the Gadara flow? For what is Gilboa noted? What river flows between Dan and Ephraim? For what were Ebal and Gerizim remarkable? For what was the Besor noted? Into what sea does the Jordan fall? In what tribe were the mountains of Abarim? Name the most noted heights of this range. From which of them did Moses view the Promised Land? Why was the Eshcol so called? For what was Mount Gilead famed? Who was a herdsman of Tekoah? What river forms the south-western boundary of Palestine? Into what does it flow? In what tribe was the wood of Ephraim situate? For what was it remarkable?

Where does the Jordan rise? Through what lakes does it flow? For what is the Sea of Galilee celebrated? Where was the Wilderness of Judea? What remarkable events happened there? Where was the Sea of Jazer situate? What did the Jews do in the Valley of Hinnom? By what names was the Dead Sea called? What happened in the Valley of Achor? Where were the three plains of Sharon situate? Where did Abraham entertain the three Angels? Where was the Valley of Moreh situate? Where was the Valley of Salt? What happened there?

PROBLEMS.

I.—*To find the Latitude of a given place on the Map.*

RULE.—If the given place is situate on a parallel, the end of it on either side will show the latitude. If the place is not so situate, measure with the compasses the distance between it and the nearest parallel; then place one foot of the compasses on the same parallel on either side of the map, and the other will point out the latitude nearly.*

* Latitude and Longitude are reckoned in degrees, minutes, and seconds. Degrees are marked by a small (°) placed after and a little above the figures; minutes by one acute accent ('); and seconds by two acute accents (") thus:—Lat. 40° 15' 30" N., means latitude forty degrees fifteen minutes thirty seconds north. If the figures on the side of the map increase upwards, the latitude is north; if they increase downwards, it is south.

EXAMPLES.

What is the latitude of Edinburgh ? Ans. 56° North.

What is the latitude of Constantinople ? Ans. 41° N.

What is the latitude of Port Jackson ? Ans. 34° South.

What is the latitude of York ? Ans. 54° N.

II.—To find the Longitude of a given place on the Map.

RULE.—If the given place is situate on a meridian, the end of it at the top or bottom of the map will show the longitude. If the place is not so situate, lay a line or rod over the given place, so as to cut the same degree at the top and bottom of the map,—the degree thus found is the longitude of the place.*

EXAMPLES.

What is the longitude of Archangel ? Ans. 39° East.

What is the longitude of Liverpool ? Ans. 3° West.

What is the longitude of Paris ? Ans. $2\frac{1}{2}^{\circ}$ E.

What is the longitude of Lisbon ? Ans. 9° W.

What is the longitude of Moscow ? Ans. $37\frac{1}{2}^{\circ}$ E.

III.—To find a place on the Map of which the Latitude and Longitude are given.

RULE.—Place a rod over the given longitude at the top and bottom of the map ; measure with a pair of compasses the distance between the given latitude and the nearest parallel, and keeping one foot of the compasses on the parallel, the other applied to the edge of the rod will point out the place required.

EXAMPLES.

What place is that of which the latitude is 60° N., and longitude 30° E. ? Ans. Petersburg.

What place is that of which the latitude is $51\frac{1}{2}^{\circ}$ N., and longitude 0 ? Ans. London.

* If the figures increase from left to right, the longitude is east ; if from right to left, the longitude is west.

What place has nearly 49° N. latitude, and $2\frac{1}{2}^{\circ}$ E. longitude?
 Ans. Paris.

What place is situate in 56° N. latitude, and nearly 3° W. longitude?
 Ans. Edinburgh.

What place has 31° N. latitude, and 30° E. longitude? Ans. Alexandria.

IV.—*To find the distance between any two places on the Map.*

RULE.—Take the distance with a thread or pair of compasses between the two places, and apply this distance to the side of the map, you will have the distance in degrees; or apply it to the scale adapted to the map, and you will have the distance in miles.*

EXAMPLES.

What is the distance between London and Copenhagen? Ans. 9° , or nearly 622 miles.

What is the distance between London and Botany Bay? Ans. 154° , or nearly 10,641 miles.

What is the distance between the island of Bermudas and St Helena? Ans. $73\frac{1}{2}^{\circ}$, or nearly 5079 miles.

What is the distance between Berlin and Lisbon? Ans. 21° , or nearly 1451 miles.

What is the distance between Madrid and Cairo? Ans. 30° , or 2073 miles.†

* The distance found in degrees may be reduced to British miles by multiplying them by $69\frac{1}{8}$.

† These rules are strictly applicable only to maps whose meridians are straight lines, and whose parallels of latitude are either straight lines or arcs of circles.

THE END.

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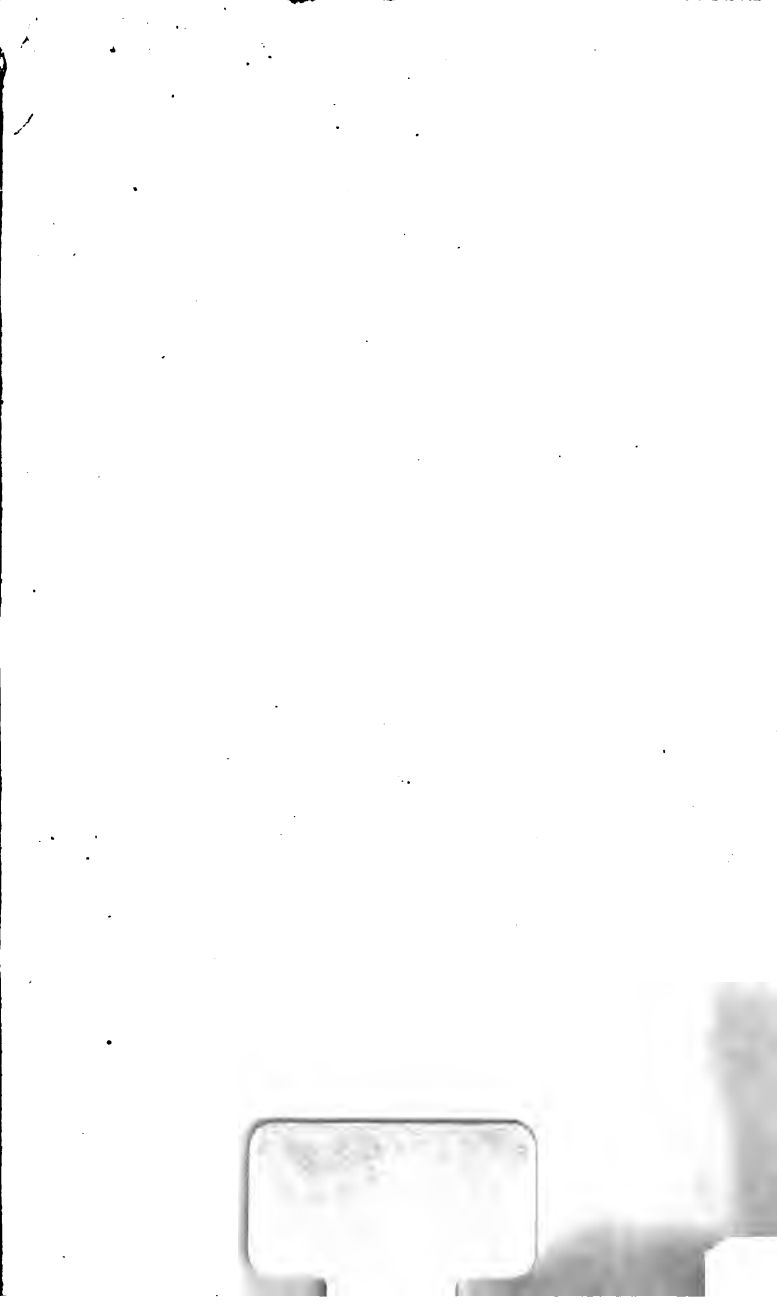
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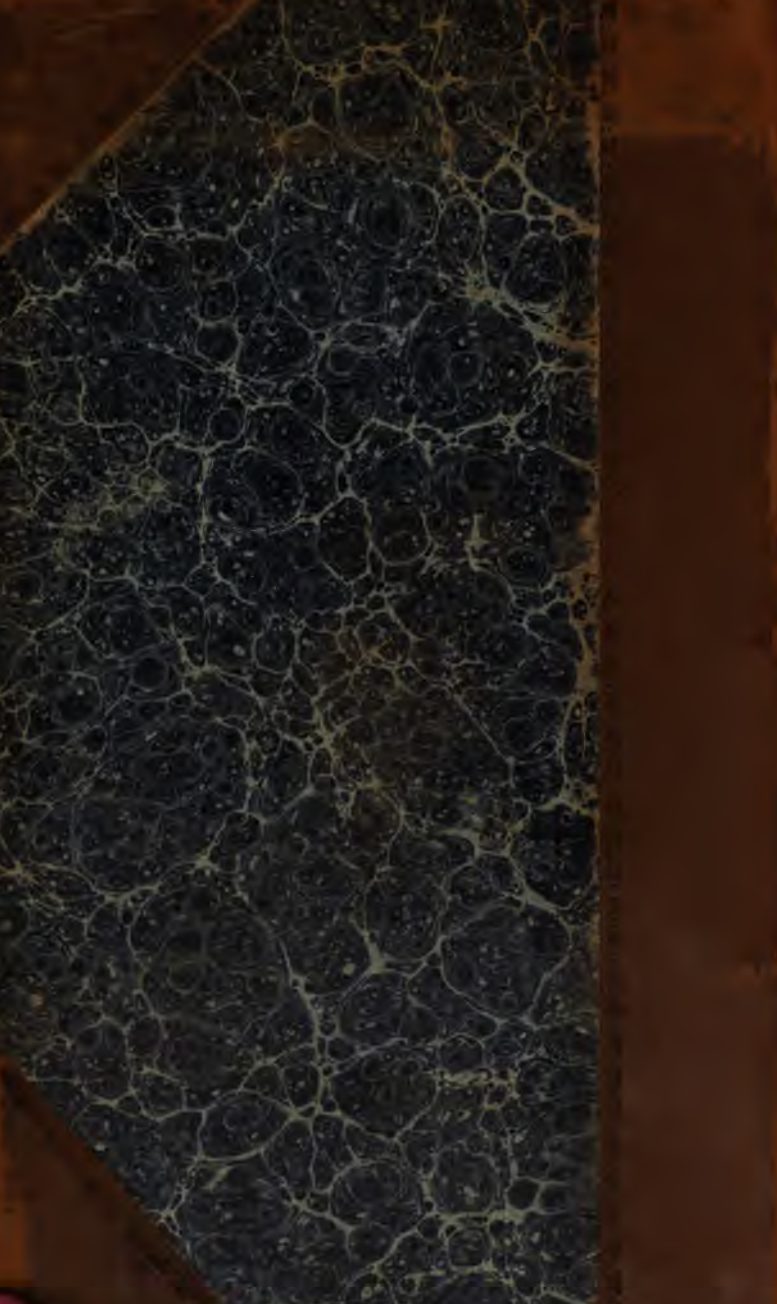
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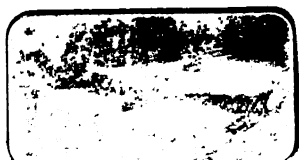


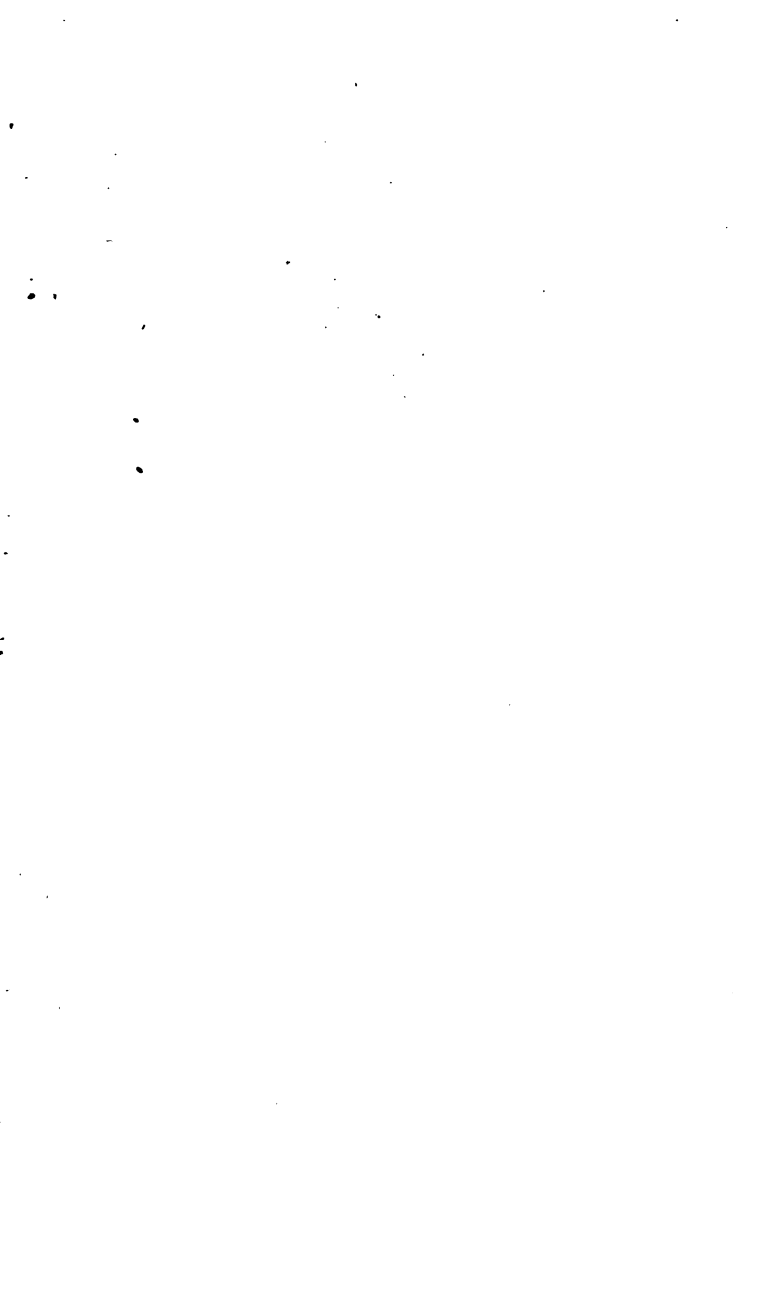


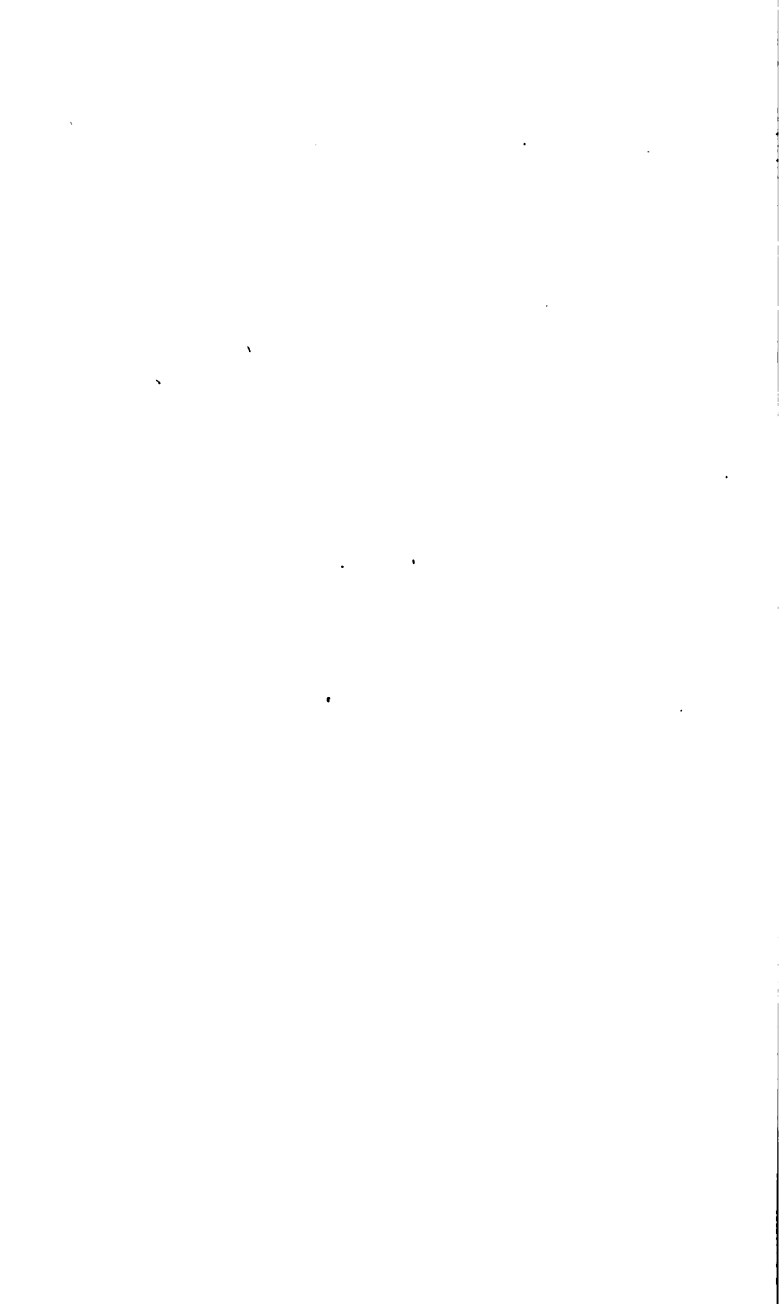


36.

271.









THE ACT
FOR THE
COMMUTATION OF TITHES

IN
ENGLAND AND WALES.



WITH AN
ANALYSIS, EXPLANATORY NOTES, AND AN INDEX.

BY
JOHN MEADOWS WHITE, ESQ.

THE SOLICITOR ATTENDING ON THE BILL.

LONDON:
B. FELLOWES, LUDGATE STREET.
1836.

271.

LONDON :
R. CLAY, PRINTER, BREAD-STREET-HILL,
DOCTORS' COMMONS.

NOTICE.

HAVING been directed by Lord John Russell to attend the Parliamentary Counsel to the Home Office (Mr. Drinkwater), during the progress, through both Houses of Parliament, of the great and healing measure brought forward by his Lordship for the Commutation of Tithes in England and Wales, and having thus become acquainted with its details and purport, from a period immediately subsequent to its first introduction into the House of Commons, I trust that this early edition of the Act, with an Analysis and Notes, may not be unacceptable. It will readily be seen that what I have written is intended for plain and unlearned readers; but I should have felt less confidence than I do that my observations may be useful even to this class, if I had not had access to Mr. Drinkwater's notes and papers, with permission to use them as freely and fully as I thought proper. The Analysis of the Act is chiefly taken from one prepared

by that gentleman for the use of the conductors of the Bill, and will be found of great service in explaining its provisions.

I have also had the advantage of submitting the work to the Rev. Professor Jones,* of Hayleybury and King's Colleges, the author of an admirable pamphlet upon the subject of Tithe Commutation, and the various modes by which it might be effected : I trust he will allow me to make this public acknowledgment of the valuable suggestions I have received from him.

JOHN MEADOWS WHITE,

1, FREDERICK'S PLACE, OLD JEWRY,
August 18, 1836.

* Since appointed to be one of the Tithe Commissioners, by his Grace the Archbishop of Canterbury.

HEADS

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A C T
FOR
THE COMMUTATION OF TITHES
IN
ENGLAND AND WALES.

THE object of this Act is to convert all the uncommuted tithes in England and Wales into a corn rent-charge, payable in money according to the value of a fixed quantity of corn, as ascertained from year to year by the average price of corn for the seven years ending at the preceding Christmas.

The mode of making this conversion is, first, to find the gross average money value of the tithes of each parish for seven years ending Christmas 1835; secondly, to apportion the amount of that value upon the lands of the several tithe-payers; thirdly, to ascertain how much corn could be purchased with such amount; one-third of it to be laid out in wheat, one-third in barley, and one-third in oats, at the average price ascertained by the weekly official returns of the price of corn for the seven years preceding Christmas 1835; fourthly and finally, in every future year, to make payable the price of the same quantity of wheat, barley, and oats, at their average prices, founded on a like calculation of the returns

for the seven years ending at each preceding Christmas.

A similar system, as applicable to rent, has been long in practice in Scotland, and has given great satisfaction ; chiefly because it fixes the amount of the rent in grain, whilst it allows of a variation in value, according to the average market price of the grain of which the rent consists.

The Act provides two methods of commutation :— first, By parochial agreement, voluntary on the part of a majority of persons having two-thirds interest in the lands, two-thirds interest in the great tithes, and two-thirds interest in the small tithes, but binding on the minority if unappealed against, or if no sufficient cause of objection shown ; secondly, By compulsory awards. The machinery to regulate, confirm, control, and effect these agreements and awards, is a central Board of Commissioners, with assistant commissioners, and an establishment under them adequate for the purpose.

Parochial agreements and apportionments to be binding must be confirmed by the commissioners, and compulsory apportionments and awards, are made by them ; but the latter power, except in the case of a compulsory apportionment after a voluntary agreement (54), does not come into effect till 1st October, 1838.

In both cases, the gross value of the tithes payable by a parish, or district (allowed to be treated as a parish for the purpose of commutation by the commissioners,) is first to be ascertained. In the case of a voluntary agreement, it is not probable that there will be much difficulty in ascertaining this. In the case of a compulsory award, the commissioners are required

by the Act to take the seven years' value of the tithes, if paid in kind, or the compositions (if any) paid during the like period, as the basis of the commutation. A power is given to them to increase or decrease the amount thus ascertained by one-fifth or twenty per cent., for the purpose, when the amount paid would not fairly represent the permanent average value of the tithe, of bringing the average nearer to such value. And in cases of fraud, collusion, or special circumstances, a discretion is given to the commissioners to disregard the compositions altogether, and to adopt the average payments upon the basis of payments from similar lands in the neighbourhood.

After the gross value of the tithes is ascertained, the landowners are to appoint valuers, to apportion the amount amongst them. If no voluntary apportionment be made in six months, the commissioners must make such apportionment. As soon as the apportionment is complete the commissioners are to confirm it, and it then becomes binding on all parties, and fixes the value of the rent-charge to be paid in future in the place of the tithes, by the several landowners in the parish ; and this amount is to be thereafter rendered upon a calculation of the price of grain as before-mentioned. The case of every kind of tithe, moduses, exemptions, and the like, is provided for in the Act ; legal disabilities are removed ; facilities are given for referring all disputes to arbitration, or to an immediate and cheap mode of trial, or to the commissioners, and for charging the expenses of the commutation on the lands of owners having less estates than fee-simple or fee-tail ; and incumbents have a similar power of charging the expenses on their livings.

Special provisions are also inserted to meet cases when the tithe is not of an ordinary nature, such as hops, fruits, garden produce and wood ; and also for special apportionments so as to discharge any part of the lands which the owner may desire, and fix it on other parts of his lands, provided the annual value of the latter exceeds by three times the value of the rent-charge proposed to be fixed upon it. In the case of ecclesiastical tithes, land to an extent not exceeding twenty acres may be given by way of commutation, either in the parochial agreement, or by the apportionment before its final confirmation.

The consent of the patron is required in all cases of ecclesiastical tithe commuted by voluntary agreements, and such agreements are to be submitted to the Bishop of the diocese, for his observations and opinion before confirmation by the Commissioners.

No one is to be personally liable for the rent-charge, but the remedy, as in the case of ordinary rent-charges, is by distress and entry on the lands out of which it issues, the party entering being liable to account upon a judge's order instead of the tedious and vexatious course of a suit in Chancery.

The following is a table (presented to the House of Commons on the 3d May last) of corn returns, showing the average prices of wheat, barley, and oats, calculated for seven years, ending at Christmas 1835.

“C O R N.

RETURN to an Order of the Honourable the House of Commons,
dated 19th February, 1836;—for,

AN ACCOUNT of the Average Prices of BRITISH
WHEAT, BARLEY, and OATS, in *England and Wales*, for
the Seven Years preceding 31st December, 1835, com-
puted from the Weekly Averages of the CORN RETURNS.

YEARS ENDED.	WHEAT		BARLEY.		OATS.	
	Per Quarter.		Per Quarter.		Per Quarter.	
	s.	d.	s.	d.	s.	d.
1829 . .	66	3	32	6	22	9
1830 . .	64	3	32	7	24	5
1831 . .	66	4	38	0	25	4
1832 . .	58	8	33	1	20	5
1833 . .	52	11	27	6	18	5
1834 . .	46	2	29	0	20	11
1835 . .	39	4	29	11	22	0
Average of the Seven Years }	56	3	31	9	22	0*

WILLIAM JACOB,
Comptroller of Corn Returns."

Corn Department,
Board of Trade. }

* Hence the price of the bushel is, wheat, 7s. 0½d.; barley,
3s. 11½d.; oats, 2s. 9d.

This

This average when taken as the basis for commuting 300%. of tithes, would produce the following result:—

	Qrs.
100%. laid out in wheat, at 56s. 3d. per quarter,	
would produce	35·56
100%. laid out in barley, at 31s. 9d. per quarter,	
would produce	62·98
100%. laid out in oats, at 22s. per quarter,	
would produce	90·9

Suppose that in 1837 the average prices of the seven preceding years, ending Christmas 1836, should prove to be—

Wheat	60s.
Barley	40s.
Oats	20s.

Then, a corn rent-charge rendering the number of quarters above specified, and which are this year worth 300%. would produce in 1837, as follows:—

35·56 quarters of wheat, at 60s.	£106	13	6
62·98 — of barley, at 40s.	125	19	2
90·9 — of oats, at 20s.	90	18	0

Total value of rent-charge for 1837 £323 10 8*

Such is the kind of variation which will take place under the Act of which the following is an analysis.

* For a short mode of calculating the variations of rent-charge under the Act, see Note at the end of the Act.

ANALYSIS

OF

AN ACT FOR THE COMMUTATION OF TITHES IN ENGLAND AND WALES.

The figures in the text point out the number of the clause in which the provision treated of is contained.

CLAUSES I.—XI.

APPOINTMENT AND GENERAL POWER OF COMMISSIONERS AND ASSISTANT COMMISSIONERS.

THREE commissioners are to be appointed ; two by the Secretary of State, and one by the Archbishop of Canterbury, removable at their joint pleasure, (1.) They are to sit as a board in the Metropolis, and superintend the execution of the Act. Instruments and copies under their seal are to be received in evidence, and no agreement or award is to be in force unless so sealed or stamped, (2.) They are to make a yearly report of their proceedings to the Secretary of State, which report is to be laid before Parliament, (3.)

The commissioners are empowered to appoint a sufficient number of assistant commissioners, a secretary, and assistant secretary, and such clerks, messengers, and officers, as they may deem necessary, and to supply vacancies as they occur ; but they are not to appoint more than twelve assistant commissioners,

without the consent of the treasury ; and the number of clerks, messengers, and other officers, is subject to the like consent, (4) Neither commissioners nor assistant commissioners are to sit in the House of Commons, (5,) and the duration of the commission is limited to five years, and the end of the then next Session of Parliament, (6.)

The salary of a commissioner is not to exceed 1500*l.* ; that of an assistant commissioner 3*l.* per diem, while actually employed in the business of the commission, besides his reasonable travelling expenses as allowed by the treasury. The salaries of the secretary and assistant secretary are not to exceed 800*l.*, and those of the clerks, &c. are to be in fit proportion, (7.)

The salaries and expenses are charged on the consolidated fund, (8.)

The commissioners and assistant commissioners are to take an oath for the due execution of their offices, and their appointments are to be published in the Gazette, (9.) They have power to examine witnesses upon oath, and to call for returns and books and papers, but not to require the disclosure of titles, nor to compel witnesses to go more than ten miles from home, (10.)

With the exception of acts required to be done under the seal of the commissioners, the assistant commissioners may exercise all or such of the powers of the commissioners as the commissioners may think fit to delegate to them, (11.)

CLAUSES XII.—XVI.

INTERPRETATION CLAUSES.

The masculine gender and singular number are used in this bill to express both sexes, and more persons than one; also the Crown and bodies corporate, to whom the word "person" is extended.

"Lands" is used for all messuages, lands, tenements, and hereditaments.

"Tithes," for all uncommuted tithes, portions, and parcels of tithes, moduses, compositions, real and customary payments.

"Parish," "parochial," mean also extra-parochial places and those townships which (chiefly in the North,) are treated as separate parishes by 13th and 14th Ch. II. c. 12; also every district which the commissioners may direct to be considered as a district for the purposes of the Act.

"Landowner," "titheowner," mean persons in possession of the rehts and profits, except tenants holding under a lease of not more than fourteen years, or under any lease paying a rent of not less than two-thirds of the clear yearly value. Tenants holding under ~~valuable~~ leases for more than fourteen years are treated as joint owners with their landlord, and persons in possession under a writ of execution or order of a court of equity are treated as joint owners with the persons against whom such writ or order is made, (12.)

The ownership or patronage of the crown is to be exercised by those functionaries by whom the administration thereof is chiefly or usually managed, (13.)

Persons filling more than one character, *e. g.* patron and landowner or incumbent, may act and be dealt

with in both characters, (14 ;) and if under legal disabilities may act by their proper legal representatives; or if there be no legal representative, then by such person as the commissioners may nominate to represent them, (15 ;) and all acts required to be done by any person may be done by his agent duly appointed according to the form given in the Act, (16.)

CLAUSES XVII.—XXXI.

VOLUNTARY AGREEMENTS FOR A RENT-CHARGE BETWEEN LAND-OWNERS AND TITHE-OWNERS.

The Act treats the commutation as consisting of two separate processes :—

1st. The determination of the total sum to be paid for the tithes of any parish.

2dly. The apportionment of the total sum among the different lands on which it is to be charged.

The first of these processes may be effected, 1st, voluntarily ; 2dly, (after 1st October, 1838,) compulsorily. The voluntary determination of the total sum to be paid is the object of the clauses now under discussion.

(17, 18.) Any number of landowners or tithe-owners possessing an interest, (to be ascertained by the poor rates, (19),) equal to one-fourth of the titheable lands, or one-fourth of the great and small tithes, may summon a parochial meeting of all the land-owners and all the tithe-owners of the parish, giving twenty-one days' notice ; and any agreement made at any such meeting, or adjourned meeting, (20), or signed within six months by the owners of two-thirds of the titheable lands, two-thirds of the

great tithes, and two-thirds of the small tithes, if containing the particulars required by the Act, (21,) and if confirmed by the commissioners, is to be binding on the whole parish,* and on all interested parties.† The commissioners are to frame and furnish forms on the application of churchwardens and overseers, (22;) and if the commissioners shall think fit, any commissioner or assistant commissioner may attend any parochial meeting, and advise the terms of agreement, but without being then able to exercise compulsory powers, (23.) Suits and differences pending at the time of the agreement may be referred by the parties to arbitration, (24,) but reversioners will not be bound by such references unless sanctioned by the commissioners.

Agreements pending at the time of the Act passing may be confirmed in like manner (25); but no voluntary agreement is to be deemed executed by any ecclesiastical tithe-owner, unless consented to by the patron, (26.) When executed by a sufficient number of persons to make it binding, it is to be sent to the commissioners in London, who are to satisfy themselves that the proceedings have been regular and without fraud or collusion, and are thereupon to confirm it under their hands and official seal, (27.) In the case of ecclesiastical tithes no confirmation is to take place

* It is important to observe that the total sum is the only thing fixed in these agreements, and that although the agreement will probably be founded upon a calculation of what the individual payments up to that time have been, the latter may still be altered by the apportionment. This circumstance is one of the distinctive characteristics of the Act.

† The consent of the owners of the great tithes and small tithes is required separately, because, in fact, their interests are often opposite; and for a voluntary agreement, which is to bind the minority, every interest should be represented.

until four weeks after the Commissioners shall have sent notice to the Bishop for his observations and opinion, unless he shall sooner signify his approbation, (28). Although the main principle of the Act is a commutation for rent-charge, yet with a view to give facilities for acquiring and enlarging glebe, twenty acres of land may, in the case of ecclesiastical tithe, be set apart instead of an equivalent value of rent-charge. In case the value of the tithes of the whole parish be more than that of the twenty acres, the residue will be made up in rent-charge, to be apportioned among all the landowners, unless otherwise specially agreed, (29, 30, 31.)* The confirmation of the commissioners completes the first part of the process, and the sum thus agreed upon is thenceforward fixed on the parish.

CLAUSES XXXII.—XXXV.

APPORTIONMENT BY THE LAND-OWNERS AMONG THEIR RESPECTIVE LANDS OF THE TOTAL SUM AGREED FOR.

The total sum having been voluntarily agreed upon, the next step is to apportion it among the individual landowners. For this purpose the landowners are to meet again to choose valuers. The tithe-owners are not to attend this meeting, because they have no interest in this part of the question, beyond seeing that their rent-charge is properly secured; and this security will be insured without their interference in the choice of valuers, by the subsequent provisions for a

* The exception will be useful, because a large landowner will often consent to give the land, on condition of his lands being freed, and it may be the interest of all parties to agree to this.

public discussion of the apportionment, and by a clause which comes late in the Act, (58,) providing that no close is to be charged with the rent-charge due upon any other lands unless it is of three times the value of such rent-charge.

The valuers, if more than one, are to be two or any other *even* number, half to be chosen by a majority of landowners in point of number, the other half by a majority in point of interest, or both majorities may agree to name the same person, (32.) The same meeting of landowners is to settle the principles according to which the valuers are to proceed, or if they are left uncontrolled by any rules so laid down for their guidance, they are to distribute the whole charge according to the best of their judgment, "having regard to the average titheable produce and productive quality of the lands ;" subject, however, in every case to the following provision :—that all the lands are to have the full benefit of any modus or exemption attaching to them. In many cases where the exemption is complete or the modus general, this provision will be of very easy application ; in other cases, where the modus covers only particular kinds of produce, an estimate must be made of the value of that privilege. If any lands are covered by a modus of so peculiar a character that this estimate is rendered difficult, previous application should be made to the commissioners for permission to treat those lands as a distinct parish for the purpose of the Act, (12.) The valuers are to subscribe a declaration that they will act faithfully, and to appoint an umpire before they proceed to business, (33.) They have the power of entry, (34,) and of using old maps, which

they are bound to adopt by the directions of three-fourths of the landowners, (35). If any person thinks himself unfairly treated by the apportionment, he will have an opportunity of making objections to an assistant-commissioner, as provided at Cl. 61.

CLAUSES XXXVI.—LII.

COMPULSORY AWARD BY THE COMMISSIONERS OF THE TOTAL RENT CHARGE IN DEFAULT OF VOLUNTARY AGREEMENTS.

The commutation based upon a voluntary agreement having been brought to that stage at which the whole charges have been distributed among the lands liable to it by valuers chosen by the landowners, and proceeding according to the principles most in favour with them, the Act next takes up the question of commutation on the supposition that no voluntary agreement has been made.

After 1st October, 1838, the commissioners may proceed to direct the necessary inquiries for a compulsory commutation in any parish in which no voluntary commutation has at that time been effected. It may be taken for granted that the commissioners, in the exercise of a sound discretion, will avoid interference in those cases in which the parties appear to be on the point of agreement without them, and an express power is given to them of suspending their proceedings even after commencing them, if there should be indications of the probability of voluntary agreement. It may also be expected that after this period has elapsed, the knowledge that the commissioners may be called in at any moment will greatly expedite the completion of agreements without their

assistance, (36.) The foundation of the Commissioners' award in an ordinary case is to be the amount of the compositions paid, or of the value of the tithes taken in kind, during seven years ending at Christmas 1835. Where abatements have been made upon tithe-rents, or compositions, on the ground of their being higher than the fair composition value of the tithes, the abated amount is to be the basis of the rent-charge. The rent-charge is to be subject to all parochial and county rates, and consequently, when the compositions have been paid free of such charges, an equivalent to what they would have paid had they been rated, is to be added to the composition before the rent-charge is calculated, (37.)*

The commissioners are to be empowered—in case the payments of the last seven years are appealed against by the patron or by half the land-owners, or the tithe-

* The reasons for this are many, although the plan of making the rent-charge free of rates and taxes appear at first sight to have the advantage of simplicity.

1. The poor-rates during the last seven years have been much higher than they probably will be again, and it would be manifestly unjust to reduce the rent-charge permanently on a calculation founded on these extravagant payments. An attempt to allow for the probable reduction of poor rates and county rates would lead to endless disputes.

2. Many rates are unequal, or even illegal, and it would be necessary to institute an inquiry into them which would open a new source of quarrel, not necessarily belonging to the subject.

3. It would soon become an invidious thing that the tithe-owner should not contribute his share to the burdens of the parish: not only would he be debarred from interfering in parochial affairs while his indemnity should last, but in the end, the recollection of the terms on which he purchased it might become weak, and he might eventually be called upon, notwithstanding, to contribute like his neighbours.

owners, great or small, upon the ground that the seven years' average would not be a fair basis for commutation,—to increase or diminish the average sum so ascertained to an extent not exceeding one-fifth, or twenty per cent. The reason has been already pointed out why an appeal is allowed separately to the owners of the great and small tithes. A still wider latitude is allowed to the commissioners in cases of fraud or collusion, or in those which, owing to special circumstances, ought in their judgment to be separately treated. But in all such cases they are to report to Parliament before the 1st May, 1838, how their discretion is to be exercised, (38.)

The cases so reserved for special adjudication are to be reported to the Secretary of State, and they are confined in the exercise of this discretion to the fixing of the rent-charge with regard to the average of the neighbouring parishes. The draft of the award, with so much of the report to the Secretary of State as relates to the special cases, is to be deposited in the parish for the purpose of some commissioner or assistant-commissioner hearing and determining objections to the award in such cases, (39.)

The tithe of hops, fruit, and garden produce, if the owner thereof shall give notice that they should be separately valued, is to be awarded in every case according to the average of some district to be fixed by the commissioners, (40.) This tithe does not fall within the provisions of the 38th clause, which contain the power to vary by one-fifth the average value, as ascertained by the 37th clause.

The tithe of wood may be also excepted upon notice, either from its owner, or the tithe-owner, and

is to be estimated according to its value at the last cutting, and according to the value of similar woods in that part of the country during seven years ending Christmas 1835, (41.)

The tithe of hop grounds and market gardens is to be divided into two parts, ordinary and extraordinary, and the lands which go out of cultivation are to be relieved from the extraordinary charge, which is to be imposed on such as are newly cultivated,* (42.)

The tithe of land converted from barren heath, and which shall have been exempted on that account during any part of the seven years from tithe, or which (under peculiar circumstances of occupation) may have been entitled to exemptions, such as glebe and the like, is upon a similar notice from landowner or tithe-owner, to be estimated according to the average of lands of the like description and quality in the parish and neighbourhood, (43.)

Moduses and the like are to be taken at their actual amount, the only change being that they will be called rent-charges instead of moduses, and will vary henceforth with the price of corn. If established by any decision during the seven years, the rent-charge will be according to the decision. So if any moduses have been set aside during the seven years, the rent-charge will not be fixed on the modus, but upon the principles of the decision, (44.)

The clauses from 44 to 48 inclusive give the commissioners and assistant-commissioners power to settle

* This clause was first introduced by the hop growers, who were alarmed at having to pay the hop tithe in competition with future growers upon new land who would only pay the ordinary arable or pasture tithe. It is obvious that if they are to be relieved on the one hand they must be liable to an additional burden on the other.

disputed claims, which shall be a hinderance to their making such award of the total rent-charge, (45,) subject to appeal in all cases exceeding 20*l.* in value to a court of law, in the mode pointed out by the Act, (46, 47, 48,) but in no case is the effect of the statutes of limitations as they regard tithes to be affected, (49.)

When the award is drawn up, which in the particulars it contains will be similar to a voluntary agreement (except that the commissioners cannot award the twenty acres of land allowed to be included in a voluntary agreement) (50), an assistant-commissioner will publish a copy of it in the parish, and sit on an appointed day to hear objections to it. If any objections be deemed valid, the proposed award is to be amended accordingly, (51.) *

When the award has been examined, and if necessary, amended, it will be sent to London, for the approval of the Central Board; and this approval, as in the case of a voluntary agreement, renders the proceedings so far settled and binding upon all persons then or thereafter interested in the lands or tithes, (52.)

CLAUSE LIII.

VOLUNTARY APPORTIONMENT BY THE LANDOWNERS OF THE TOTAL RENT-CHARGE COMPULSORILY AWARDED.

The award being confirmed, and the process so far completed, the voluntary principle is again resorted

* This provision of course is not necessary in the case of the voluntary agreement, because in that the representatives of the only three parties interested will be agreed, and no one of the three can make a disadvantageous bargain for his neighbour, not being a party to the agreement, which will not also be injurious to himself, since the agreement only relates to the total sum, and not to its final distribution among the tithe-payers.

to, and an assistant-commissioner will summon a meeting of landowners to choose valuers, exactly as they would have done if the sum awarded had been voluntarily agreed upon, (53.)

CLAUSE LIV.

COMPULSORY APPORTIONMENT BY THE COMMISSIONERS.

If a voluntary agreement or compulsory award has been made, but has not been followed by a voluntary apportionment in six months, the commissioners are empowered to proceed to a compulsory apportionment. The observation before made applies here, that the activity of the voluntary process will probably be much increased by the knowledge that the commissioners may thus interpose, (54.)

CLAUSES LV. LVIII.—LXVIII.

PROVISIONS APPLICABLE TO EVERY APPORTIONMENT.

The Act having now brought down the process of commutation to the same stage, on the three different suppositions,—

1. Of a voluntary agreement and voluntary apportionment ;
2. Of a compulsory award and voluntary apportionment ;
3. Of a compulsory apportionment following a voluntary agreement or compulsory award,—

The following provisions are applicable to every commutation taken up at this stage.

The form of the apportionment is pointed out (55), which is made to include the agreement or award on which it is founded, and is to set forth all the lands referred to, and the amount charged on each. On the request of any landowner the sum charged on his

lands may be differently apportioned amongst them, but so that no lands shall be charged on account of other lands to the extent of more than one-third of its value, (58.) When made, the draft of the apportionment is to be annexed to the award of the total sum, and sent to the Central Board, (60.) After its receipt, a meeting, as in the case of an award, is to be held in the parish, and a commissioner or an assistant-commissioner will sit in the parish to hear and determine objections to it, (61.) Moreover, if any landowner should then wish to commute the rent-charge for land with any ecclesiastical titheowner, he may do so, the limit of twenty acres being still preserved, (62.) The apportionment, after all these proceedings are disposed of, is then to be sent, engrossed on parchment, with the map or plan annexed, to the commissioners, who, on approval, are to confirm the same under their hands and seal, (63.) Copies are to be deposited in the parish, and sent to the registrar of the diocese ; (64,) and in every case, before confirming any agreement, award, or apportionment, if the commissioners think fit, notice is to be given to remainder-men and reversioners, (65.) After these proceedings have been completed, and the agreement, award, or apportionment is confirmed, it is not to be questioned, (66,) but the lands are to be discharged for ever from tithes, and the rent-charge paid instead. No person is to be personally liable for the rent-charge, (67,) the sole mode of recovery being by distress and entry (given by Clauses 84, 85). When lands are given for tithes or rent-charge, the lands in the parish are discharged from tithes and rent-charge for which such land shall have been given, (68.)

To prevent disputes, the power of entry is given by Clause (59) to the valuers employed by the commissioners, their pay being limited to two guineas a day, or the commissioners may agree on a fixed sum for their payment.

CLAUSES LVI. LVII.* LXVII.

CONVERSION OF THE MONEY RENT-CHARGE INTO A CORN RENT-CHARGE.

The rent-charge being fixed and apportioned, these clauses provide for its varying from year to year, with the price of wheat, barley, and oats, ascertained by the weekly returns of the prices of grain under 9th Geo. IV. c. 60, for the purpose of regulating the duty, (56.)

The principle is, that after having ascertained how many bushels of corn could be bought with the amount of rent-charge, one-third being converted into wheat, one-third into barley, and one-third into oats, at the average price of the seven years next preceding Christmas 1835, (57,) those quantities of grain are to be considered as the permanent rent-charge, and their money value is to be paid every year at the average price of the seven years, ending at each preceding Christmas. This price will therefore vary every year, by taking in a year at the end and dropping one at the beginning of each period of seven years, (67.)†

* These two clauses (56, 57) are misplaced in the Act, as appears upon this Analysis. This was discovered during the progress of the Bill; but as the error was unimportant, and there were so many material alterations to be made, it was judged better not to remove them.

† For a short mode of calculating the variations of rent-charge under the Act, see Note at the end of the Act.

CLAUSES LXIX.—LXXI.

LIABILITY OF RENT-CHARGE TO THE SAME RATES AND INCUMBRANCES AS TITHES.

The principle on which the rent-charge is made subject to parochial rates and charges of the like kind, (69,) has been explained in considering Clauses 36 to 52. (See note, page xxi.)

Following the precedent of the Income Tax, these rates are made assessable on the actual occupier of the lands out of which the rent-charge issues, although payable by the owner of the rent-charge; with power for the occupier paying, or on whom the same may be levied (not being the owner of the rent-charge,) if only a tenant, to deduct the amount from his rent; or otherwise recover the same from his landlord; and for the landlord or occupier, if also the owner of the land, to deduct the amount from the owner of the rent-charge in settling accounts with him.* A power of inspecting and calling for copies of the rates is given to the owner of the rent-charge; who, knowing his liability, can appeal against the rates at any time, (70,) as if he were the person assessed.

The rent-charges are made subject to the like charges, and similar remedies are given as existed with respect to the tithes for which they were commuted, such as mortgages, and the like.

Doubtful mortgages, &c. are excepted, to avoid giving validity to such charges, as, for instance, cases where clergymen cannot legally mortgage their livings.

* But for this provision, there would be no summary power of recovering the rates, as there is nothing tangible in the rent-charge which could be distrained on; and the owner of it, in many cases, would not be resident, or have goods and chattels in the parish.

The rent-charge, if held for life, or greater estate, is declared a freehold, and is made subject to the like liabilities, incidents, and exemptions, as tithes.

Provision is also made for extending the principle of this Act, to tithes authorized to be disposed of under former Acts of Parliament, or to the rent-charges for which these tithes have been or may be commuted. The rent-charges are not to merge in the estate out of which they issue, except when held by tenants in fee-simple or fee-tail; who, of course, may deal with them like other property held in fee, and, if they see fit, may declare them merged before the intervention of the commissioners, and so, by extinguishing them, withdraw them from the operation of this Act, (71.)

CLAUSE LXXII.

PROVISION FOR FUTURE ALTERATION OF APPORTIONMENT.

Without this provision, (72), every foot of land would be subject to the whole rent-charge fixed upon the estate of the landowner, at the time of the commutation. With tithes, each portion of land has its tithe attached to it; but the rent-charge issues out of the lands generally: and, by virtue of this provision, any landowner can discharge such portion as he may wish to sell, provided the residue of his land left charged with the rent-charge, be of the value required by Section 58, *i. e.* three times the value of the rent-charge. As this is a power which may be exercised long after the period of the commission, its due execution is intrusted to two justices, and the Commissioners of Land-Tax, who exist in every locality, following the precedent of the Property-Tax Commissioners,

who were selected from the same body. The landowner, by these means, can, at any time, so alter the apportionment as to sell the greater part of his land free of rent-charge. It is, in effect, an imperfect power of redemption.

The mode of apportionment is as nearly as may be the same as that required for the original apportionment, and due notice of it is to be sent to the persons with whom the original instrument of apportionment is deposited.

CLAUSES LXXIII.—LXXVIII.

EXPENSES OF COMMUTATION; BY WHOM TO BE PAID, AND HOW RECOVERED.

The expenses of witnesses, production of books, &c., of settling suits and differences, and determining objections, are to be paid by the parties interested, as the commissioners may direct, (73.)

The expenses of surveyors, and of making an award, (not ordered by the commissioners, or any court, to be otherwise paid), are to be borne by the landowners and titheowners jointly, as the commissioners may direct, (74.)

The expenses of apportionment are to be borne proportionally by the landowners alone, who are the only parties interested in this part of the commutation, (75.)

These expenses, if not paid, are in every case to be recovered by a justice's warrant, (76.)

If to be borne by a land or titheowner, not having an absolute estate in fee, power is given to charge the lands or rent-charge with the expenses and interest at four per cent., so that the whole be paid off by annual instalments in twenty years, (77.)

Ecclesiastical owners may charge the amount of the expenses and interest at four per cent. in like manner on their benefices for twenty years, following the precedent of loans under Queen Anne's bounty fund;* but in the latter case, to prevent error, the amount is to be ascertained, and certified by the Commissioners, (78.)

CLAUSES LXXIX. LXXX.

PROVISIONS FOR TENANT PAYING THE RENT-CHARGE.

As there may be cases where the tenant dissents from the commutation, although the landlord, as owner of the lands, may agree or be compelled to commute, the landlord, where such a commutation has been effected against the wishes of his tenant, is substituted for the titheowner, during such tenant's term, and may take tithes instead; and the tenant, whether paying tithes in kind or a composition at the passing of this Act, will not be damaged otherwise than by the change of the party to whom his payments will be made, for he will be entitled to deduct the rent-charge, which he will pay in addition to his tithe, from his rent.

Notice of the dissent is to be given in writing, to the landlord or his agent, (79.)

Every tenant so notifying his dissent, and every tenant who may hold his lands tithe-free, or who may pay the rent-charge at any time, due upon lands which he shall take after the passing of the Act, is, upon making such payment, allowed to deduct the amount in account with his landlord for rent, (80.)

* By the Statute for regulating of Queen Anne's bounty fund, the loans are to be repaid by annual instalments of not less than one-twentieth, with interest from time to time.]

This last provision secures the terms on which lands will be let for the future.

CLAUSES LXXXI.—LXXXV.

REMEDIES FOR RECOVERY OF RENT-CHARGE BY DISTRESS AND ENTRY.

If the rent-charge be unpaid for twenty-one days, power is given to distrain, after ten days' notice, as in case of distress for common rent; but the arrears that can be recovered are limited to two years, (81.)

Following the example of re-entry by a landlord, in case the rent be not satisfied by the distress, a power to enter is given after forty days' arrear; but instead of the tedious process of an ejectment, a cheaper remedy is substituted, as any judge, on affidavit of the arrears being due, may order a writ to be issued, directed to the sheriff, to inquire and assess what is due; and on the return of the inquisition, a writ of *habere facias possessionem* may issue, as on an ordinary judgment, (82.)

The land may be held by the owner of the rent-charge till the arrears and costs, as also the cost of cultivation, be satisfied. On this being done, or whenever the landowner thinks fit, he can call for an account, by a judge's order, (which may be obtained by summons in the usual way before a judge in chambers,) and on the account being rendered, and amount of arrears and expenses satisfied, possession may be regained by issuing a writ of *supersedeas* to the writ of possession, the surplus being also paid to the owner of the rent-charge, (83.)

In the case of Quakers, it is not necessary to impound the distress, which may be made on their goods and chattels, whether on the premises or not, and no

entry is to be made unless the owner of the rent-charge is unable to find sufficient distress for the arrears and costs, (84.)

The distress and entry is to extend to all lands in the parish held under the same landlord by the occupier of the lands liable to the rent-charge,—a provision necessary to avoid frauds in shifting distresses, &c. &c. But no lands are to be liable for rent-charge due on lands washed away by the sea, or destroyed by any natural casualty; (85) such lands and its owners being altogether discharged, as no owner, by Clause 69, is personally liable for the rent-charge, and the only remedies of distress and entry are lost with the land.

CLAUSES LXXXVI.—XCVII.

MISCELLANEOUS.

CLAUSE LXXXVI.

RENT-CHARGES TO BE APPORTIONED ON DEATH OR REMOVAL, &c.

The Act 4 & 5 Wm. IV. c. 22, as to apportionment of rents, directs they shall be divided between heirs and executors, or incumbents vacating a living, and their successors, by proportions according to the length of time in possession, &c. These provisions are extended to the rent-charges under this Act, (86.)

CLAUSE LXXXVII.

SALE OF TITHE BARN.

Buildings heretofore used for housing tithes being rendered useless by the commutation, are authorized to be sold, the proceeds to be applied for the benefit of the owner of the rent-charge, as the commissioners may direct, (87.)

CLAUSE LXXXVIII.

LEASES OF TITHES MAY BE SURRENDERED.

Lessees in *occupation* of tithes commuted under this Act are empowered to surrender their leases, and the commissioners may direct what, if any, compensation should pass between the lessor and lessee; but it is to be noticed, that the compensation to be given by any immediate lessor is confined to lessees at rack-rent, otherwise it would imply a return of fines, which would be manifestly unjust. On the other hand, any lessee, whether at rack-rent or not, is liable to pay compensation if he avail himself of this clause, and throw up his lease. If the rent extend to other matters, *e.g.* land and tithes together, the rent is to be altered in proportion. Any intermediate lessor to whom a lease is surrendered, is to have the like power with regard to his lessor, (88.)

CLAUSE LXXXIX.

RESERVATION OF RIGHT TO TITHE ALREADY DUE.

The operation of the Act begins on the first day of January following the day on which the commutation shall be completed. Up to such period the tithes will be payable, (89.)

CLAUSE XC.

EXCEPTIONS OUT OF THE ACT.

The Act is not to extend to the following matters, unless there be a special provision for its so extending in any voluntary agreement, approved by the commissioners, in which case they may be included.

1. Easter offerings, mortuaries, and surplice fees.
2. Fish or fishing.
3. Personal tithes, except mills.

4. Mineral tithes.

5. Tithes in London.

6. Permanent rent-charge, or payments in lieu of tithes, calculated on rents of houses or lands, in any city or town under local acts or custom.

7. Lands or tenements of which the tithes are already perpetually commuted or extinguished by Act of Parliament.

The exceptions are grounded, for the most part, on the general principle, that there is no land on which to charge the commutation. An attempt was made for the same reason to except the tithes of milk and calves, not produced on lands of which the tithe has been commuted, but this exception was finally rejected. The consequence will be, that the value of these tithes will be taken account of with the rest, and it will be for the landowners to consider according to what principles the resulting rent-charge shall be apportioned.

CLAUSE XCI.

EXEMPTIONS FROM STAMP DUTY.

Advertisements, agreements, awards, and powers of attorney, made, confirmed, or used, under the Act, are not chargeable with stamp duty.

CLAUSE XCII.

EXEMPTION FROM POSTAGE.

The correspondence of the commissioners is postage free, if it relate solely to the execution of the Act.

CLAUSE XCIII.

PENALTIES FOR FALSE EVIDENCE, OR SUPPRESSING EVIDENCE.

Persons *wilfully* giving false evidence are to be deemed guilty of perjury;

Persons subscribing a false affidavit or declaration are to suffer penalties of perjury ;

And persons refusing to give evidence, or withholding same, destroying papers, &c. are to be deemed guilty of misdemeanor.

CLAUSE XCIV.

LIMITATION OF ACTIONS AND PROTECTIONS.

The protections to commissioners and others acting under this Act are—

1. Twenty-one days' notice, in writing, of intention to bring action or suit.
2. The opportunity to tender satisfaction or amends.
3. The actions must be brought within three months from the cause of complaint, and the venue must be laid in the county where the complaint arose.
4. Defendant, if issue be favourable to him, to have full costs, (94.)

CLAUSE XCV.

The proceedings are not to be quashed for informality, or to be removable by *certiorari*.

CLAUSES XCVI. XCVII.

The Act is limited to England and Wales, (96.) and may be altered or repealed during the present session, (97.)

AN ACT, &c.

6 & 7 WILL. IV. c. 71.

**An Act for the Commutation of Tithes
in *England* and *Wales*.**

[13th August, 1836.]

WHEREAS it is expedient to amend the laws Preamble.
relating to tithes in *England* and *Wales*,

and to provide the means for an adequate compensation for tithes, and for the commutation thereof; **BE IT THEREFORE ENACTED**, by the

King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same,

That it shall be lawful for one of His Majesty's principal Secretaries of State to appoint two fit persons to be Commissioners to carry this Act into execution, and for the Archbishop of *Canterbury*, under his hand and archiepiscopal seal,

to appoint one fit person to be a Commissioner to carry this Act into execution, and for the said

Archbishop and Secretary of State, at their joint pleasure, to remove any one or more of the Commissioners so appointed; and upon every vacancy in the office of Commissioner some other fit person shall be appointed to the said office in the same manner and by the same authority as the Com-

Appointment of
Commissioners.

missioner whose vacancy is thereby supplied ; and until such appointment it shall be lawful for the continuing commissioners or commissioner to act as if no such vacancy had occurred.

Style of Commissioners.

2. And be it enacted, that the said commissioners shall be styled “ The Tithe Commissioners for *England* and *Wales*,” and shall have their office in *London* or *Westminster*, and they, or any two of them, may sit from time to time, as they deem expedient, as a board of commissioners for carrying this Act into execution ; and the said commissioners shall cause to be made a seal of the said board, and shall cause to be sealed or stamped therewith all agreements and awards confirmed by the said commissioners in pursuance of this Act ; and all such agreements and awards and other instruments proceeding from the said board, or copies thereof, purporting to be sealed or stamped with the seal of the said board, shall be received in evidence without any further proof thereof ; and no agreement or award shall be of any force unless the same shall be sealed or stamped as aforesaid.

To have Common Seal.

Awards, &c. purporting to be sealed with Seal of Commissioners, to be received as Evidence.

Commissioners to report to Secretary of State.

3. And be it enacted, that the said commissioners shall from time to time give to any one of His Majesty’s principal secretaries of state such information respecting their proceedings, or any part thereof, as the said principal secretary of state shall require, and shall once in every year send to one of the principal secretaries of state a general report of their proceedings ; and every year such general report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such principal secretary of state, if Parliament be sitting, or if Parliament be not sitting, then within six weeks after the next meeting thereof,

Annual Report to be laid before Parliament.

4. And be it enacted, that it shall be lawful for the commissioners, from time to time, to appoint a sufficient number of persons to be assistant commissioners, and also a secretary and assistant secretary, and all such clerks, messengers, and officers as they shall deem necessary, and to remove such assistant commissioners, secretary or assistant secretary, clerks, messengers or officers, or any of them, and on any vacancy in any of the said offices to appoint some other person to the vacant office; and the persons so appointed shall assist in carrying this Act into execution at such places and in such manner as the said commissioners may direct; Provided always, that the said commissioners shall not appoint more than twelve such assistant commissioners to act at any one time, unless the lord high treasurer, or any three or more of the commissioners of His Majesty's treasury, shall, in the case of each such appointment, consent thereto: Provided further, that the number of such clerks, messengers, and officers shall be subject to the like consent.

Power to appoint and remove Assistant Commissioners, Secretary, Assistant Secretary, Clerks, and other officers.

5. And be it enacted, that no commissioner or assistant commissioner appointed as aforesaid shall during his continuance in such office be capable of being elected or of sitting as a member of the House of Commons.

No Commissioner or Assistant Commissioner to sit in the House of Commons.

6. And be it enacted, that no commissioner or assistant commissioner, secretary, assistant secretary, or other officer or person so to be appointed, shall hold his office for a longer period than five years next after the day of the passing of this Act, and thenceforth until the end of the then next Session of Parliament; and after the expiration of the said period of five years and of the then next Session of Parlia-

Operation of Act as to appointment of Commissioners, &c. limited to Five Years.

ment so much of this Act as authorizes any such appointment shall cease.

Salaries of, and Allowances to Commissioners and Assistant Commissioners, Secretary and other Officers.

7. And be it enacted, that the salaries of the commissioners, the allowance to the assistant commissioners, and the salaries of the secretary, assistant secretary, clerks, messengers, and other officers to be appointed under this Act, shall be from time to time regulated by the lord treasurer or the lords commissioners of His Majesty's treasury, or any three of them: Provided always, that the salary of a commissioner shall not exceed the sum of one thousand five hundred pounds a year, nor the allowance to an assistant commissioner the sum of three pounds for every day that he shall be actually employed or travelling in the performance of the duties of his office, nor the salaries of the secretary or assistant secretary the sum of eight hundred pounds a year; and that the salaries of the clerks, messengers, and other officers shall be in fit proportion: Provided also, that the said lord treasurer or lords commissioners may allow to any commissioner, assistant commissioner, secretary, assistant secretary, clerk, messenger, or other officer, any such reasonable travelling and other expenses as may have been incurred by him in the performance of his duties under this Act, in addition to his salary or allowance respectively.

Treasury may allow Travelling and other expenses.

Such Salaries, Allowances, and other Expenses, to be paid out of Consolidated Fund.

8. And be it enacted, that the salaries, allowances, and travelling and other expenses of the commissioners, assistant commissioners, secretary, assistant secretary, clerks, messengers, and officers as aforesaid, and all other incidental expenses of carrying this Act into execution, not herein otherwise provided for, shall be paid by the lord treasurer or the lords commissioners of His Majesty's treasury out of the consolidated fund.

9. And be it enacted, that every such commissioner and assistant commissioner shall, before he shall enter upon the execution of his office, take the following oath before one of the judges of His Majesty's courts of King's Bench or Common Pleas, or one of the barons of the court of Exchequer; (that is to say,) 'I A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, fulfil all the powers and duties of a commissioner [or assistant commissioner, as the case may be,] under an Act passed in the year of the reign of King William the Fourth, intituled [*here set forth the title of this Act*].'

Commissioners and Assistant Commissioners to take oath before acting.

oath of each

And the appointment of every such commissioner and assistant commissioner, with the time when and the name of the judge or baron before whom he shall have taken the oath aforesaid, shall be forthwith published in the *London Gazette*.

Notification of Appointment to be published in the Gazette.

10. And be it enacted, that the said commissioners, or any assistant commissioner, may, by summons under their or his hand, require the attendance of all such persons* as they or he may think fit to examine upon any matter brought before them or him as hereinafter mentioned relating to the commutation of tithes, and also make any inquiries and call for any answer or return as to any such matter, and also administer oaths, and examine all such persons upon oath, and cause to be produced before them or him upon oath all books, deeds, contracts, agreements, accounts and writings, terriers, maps, plans, and surveys, or copies thereof respectively, in anywise relating to any such matter:

Commissioners or Assistant Commissioners may summon and examine Witnesses,

and call for returns, books, &c.

* See the 93d clause for penalties on wilful disobedience to summons, withholding or suppressing evidence, altering or destroying books, papers, and the like.

No person required to travel more than ten miles.

Provided always, that no such person shall be required, in obedience to any such summons, to travel more than ten miles from the place of his abode, or to produce any deeds, papers, or writings relating to the title of any lands or tithes.

Commissioners may delegate powers to Assistant Commissioners, except powers to be exercised under their seal.

11. And be it enacted, that the said commissioners may delegate to their assistant commissioners, or to any one or more of them, such of the powers hereby given to the said commissioners as the said commissioners shall think fit, (except the power to confirm agreements and awards, or to frame forms of agreements and other instruments, as hereinafter provided, or to do any Act herein required to be done under the seal of the said commissioners,) and the powers so delegated shall be exercised under such regulations as the said commissioners shall direct; and the said commissioners may at any time recall or alter all or any of the powers so delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and all Acts done by any such assistant commissioner in pursuance of such delegated powers shall be obeyed by all persons as if they had proceeded from the said commissioners, and the non-observance thereof shall be punishable in like manner.

Acts of Assistant Commissioners to be obeyed as if proceeding from Commissioners.]

Meaning of the words
" Person,"
" Land,"
" Tithes,"
" Parish,"

12.^b And be it enacted, that in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word " Person" shall mean and include the King's Majesty,

^b The interpretation clauses, 12 to 16 inclusive, must be referred to in construing every part of the Act. If any one doubt whether his case be provided for or not, he must refer to these clauses, which are made applicable to male and female, singular and plural, and the like, in order to avoid repetitions in the Act.

and any body corporate; aggregate; or sole, as well as an individual; and any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only shall mean and include a female as well as a male; and the word "Lands" shall mean and include all messuages, lands, tenements, and hereditaments; and the word "Tithes" shall mean and include all uncommuted tithes, portions and parcels of tithes, and all moduses, compositions real, and prescriptive and customary payments; and the word "Parish" and "Parochial" shall mean and include and extend to every parish and every extra-parochial place, and every township^c or village, within which overseers of the poor are separately appointed under the provisions of an Act passed in the thirteenth and fourteenth years of the reign of His late Majesty King Charles the Second, intituled *An Act for the better Relief of the Poor of this Kingdom*, and every district of which the tithes are payable under a separate impropriation or appropriation, or in a separate portion or parcel, or which the commissioners shall by any order direct to be considered as a separate district for the commutation of tithes;^d and the words "Land Owner" or

"Parochial,"
"Land-
Owner,"
"Tithe-
Owner,"
as used in this
Act.

Townships
under 13 & 14
Car. 2. c. 12.

^c The townships here referred to are chiefly met with in the north of England, and fall under the class to which the 13th and 14th Car. 2, cap. 12, applies.

^d By this extension of the word Parish, any peculiarity or extent of district or place may become the subject of a separate commutation, at the discretion of the commissioners; as, for instance, any part of a parish separated from the rest of the parish, or any peculiar jurisdiction, or lands subject to peculiar modes of tithing, which do not apply to the rest of the parish, and which might occasion difficulties in the apportionment; but such districts can only be separated from the rest of the parish by the express directions of the Commissioners, to whom application should be made, stating the peculiarities on which the application is founded.

INTERPRETATION.

"Tithe Owner," or "Owner of Lands" or "Owner of Tithes," shall mean and include every person who shall be in the actual possession or receipt of the rents or profits of any lands or tithes, (except any tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of not less than two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded fourteen years from the commencement thereof,) and that without regard to the real amount of interest of such person; and in every case in which any tithes or lands shall have been leased or agreed to be leased to any person for life or lives, or for years,

* Tenants at a rent of two-thirds of the clear yearly value of any tenements are generally considered to be tenants at the rack, or improved rent, whose interest being temporary does not entitle them to be considered as owners. Tenants for a term of less than fourteen years, at any rent, are of the same description.

The great point is to obtain the consent of those who represent the owner's interest for the time being; few consents could be obtained if the particular interest of each owner were matter of inquiry in each case of parochial agreement.

* Tenants at less than rack-rent, and for a term of more than fourteen years, who have, in fact, the interest of the owners during their term, whether for life or years, are here allowed to join in the agreement for commutation, as if they were owners; but as their lessors, who are, in fact, the reversioners, have also an interest, which ought to be represented, a joint ownership is here declared between them. There may be cases, as in some dean and chapter's leases, where there may be a series of tenants between the original lessor and the tenant at rack-rent. In such cases, upon the principle of the singular extending to the plural, each lessor and lessee falling within the definitions of this clause, and not included in its exceptions, would be deemed a joint owner. It is to be recollected that, in cases of this kind, a fine is generally paid, and hence the lessee is, *pro tanto*, a purchaser and owner. In these cases the concurrence of all such parties is necessary to constitute an owner, or the consent, &c. will not be duly given.

by any lease or agreement for a lease on which a rent less than two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded fourteen years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease shall, jointly with the person who shall be liable to the payment of such rent of such tithes or lands, be deemed for the purposes of this Act to be the owner of such tithes or lands; and in every case in which any person shall be in possession or receipt of the rents or profits of any tithes or lands under any sequestration, extent, elegit, or other writ of execution, or as a receiver under any order of a court of equity, the person against whom such writ shall have issued, or who but for such order would have been in possession, shall, jointly with the person in possession by virtue of such writ or order, be deemed for the purposes of this Act to be the owner of such tithes or lands.

Where Parties
to be deemed
Joint Owners.

13. And be it enacted, that whenever the ownership of any lands or tithes to which the provisions of this Act are intended to apply shall be vested in His Majesty, the first commissioner of His Majesty's woods, forests, and land revenues for the time being, or in case such lands or tithes shall be vested in His Majesty in right of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, the Chancellor of the Duchy of *Lancaster* or the officers of the Duchy of *Cornwall*, entitled to grant leases of lands parcel of the Duchy of *Cornwall*,^b shall for the purposes of this Act be substituted instead of the owner of such lands or tithes respectively; and whenever

When Ownership of Lands or Tithes or Patronage is vested in the Crown, who to be deemed the Owner or Patron.

^b 1 and 2 W. 4. cap. 5.

the patronage of any benefice to which the provisions of this Act are intended to apply shall be vested in His Majesty, the lord high treasurer or first lord commissioner of the treasury for the time being, where the value of such benefice is above the yearly value of twenty pounds in the King's books, and where such value is of or below the yearly value of twenty pounds in the King's books, the lord chancellor or lord keeper or first lord commissioner of the great seal for the time being, shall for the purposes of this Act be substituted instead of the patron: Provided nevertheless, that if such patronage is vested in His Majesty in right of the Duchy of *Lancaster*, the Chancellor for the time being of such Duchy shall for the purposes of this Act be substituted instead of the patron.

When the same Person is Owner of Lands and Owner of Tithes, or Patron, he may be dealt with in each character.

14. And be it enacted, that whenever any person shall be at the same time owner of any lands and owner of any tithes comprised within any agreement to be executed pursuant to the provisions of this Act, or besides being owner of any lands or of any tithes, shall also be patron of the benefice to which the tithes in question may belong, such person, in relation to such agreement, may act and be dealt with in each of the several characters so borne by him as aforesaid.¹

In case Patron or Owner is under legal disability, who to act.

15. And be it enacted, that whenever the patron of any benefice, or the owner of any lands or tithes to which the provisions of this Act are intended to apply, or any person interested in any question as to any tithes, shall be a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband, or

¹ That is, his consent reckons in each majority, or as patron, or all, as the case may be.

attorney respectively, or in default thereof such person as may be nominated for that purpose by the commissioners, after due inquiry shall have been made by them as to the fitness of such person, and whom they are hereby empowered to nominate under their hands and seal, shall for the purposes of this Act be substituted in the place of such patron, owner, or person so interested.^k

16. And be it enacted, that it shall be lawful for any landowner or titheowner, by a power of attorney given in writing under his hand, to appoint an agent to act for him in carrying into execution the provisions of this Act; and all things which by this Act are directed to be done by or with relation to any person, may be lawfully done by or with relation to the agent so duly authorized of such person; and every such agent shall have full power, in the name and on behalf of his principal, to concur in and execute any agreement, and to vote on any question arising out of the execution of this Act; and every person shall be bound by the acts of any such agent, according to the authority committed to him, as fully as if the principal of such agent had so acted; and the power of attorney under which the agent shall have acted, or a copy thereof authenticated by the signature of two credible witnesses,^l shall be appended to every agreement

Agent may be appointed by Power of Attorney to carry provisions of Act into] execution.

Principal bound by acts of such Agent.

^k The power here given to the commissioners will apply to a very numerous class of cases, where there is no *legally appointed* guardian.

^l The agent should keep the power for future occasions, and append an attested copy to the agreement; this power, which is sufficiently short and simple to be written on half a sheet of letter paper, is exempt from stamp duty. (See Clause 91.) The form does not require an attestation, but as it is possible the commissioners might think one necessary, it would be safer to have the signature witnessed by some person (not the wife of the party giving the power), who should add his or her occupation and address in the usual way.

executed by any such agent, and shall be sent with it to the office of the commissioners as hereinafter provided; and any such power of attorney may be in the form following:

Form of Power. ' I *A. B.*, of, &c. do hereby appoint *C. D.* of, &c. to be my lawful attorney to act for me in all respects as if I myself were present and acting in the execution of an Act passed in the sixth and seventh years of His present Majesty, intituled [*here insert the title of this Act.*]
(Signed) *A. B.*'

Parochial Meetings may be called, at

17.^m And be it enacted, that any one or more of the landowners or titheowners, whose interest

* This is the first clause enabling parties to set the Act in motion. Any person in a parish (according to the definition of parish in Clause 12), who may wish to commute as soon as the Act has passed, must, if his own interest in the land or tithes does not amount to so much, obtain the assent of as many of his neighbours as will make their joint interest amount to one-fourth of the value in lands, or of the great and small tithes added together, to join him in signing the notice here required for calling a general meeting of landowners and titheowners, with a view to effect the commutation. The notice must remain fixed for twenty-one days on the church doors, or some other public place for giving notice in the parish; and also be advertised in a county paper, the expense of which must be borne by the persons calling or attending the meeting. Any agreement made at this meeting, or at some adjournment of it, must be signed by the persons having two-thirds interest in the lands, two-thirds in the great tithes, and two-thirds in the small tithes; and if not signed at the meeting, it may, by the 18th clause, be signed within six months afterwards; and when so signed it becomes an agreement for the commutation, which binds the rest of the parish. The forms of this notice would obviously be very simple; but as, by the 22d clause, the commissioners are to frame and circulate forms, it will be the safest way to wait till their forms be framed.

The term "parochial agreement" is used throughout the Act, as denoting an agreement under the voluntary system. In the Bill originally introduced, there was a power for individuals to commute, but it will here be seen that no commutation can be effected except by a whole parish or district, as defined in Clause 12; nor can a commutation

respectively shall not be less than one-fourth part of the whole value of the lands subject to tithes, or one-fourth part of the whole value of the tithes of any parish in *England* or *Wales*, may call a parochial meeting of landowners and tithe-owners within the limits of the parish, by notice thereof in writing under his or their hand, to be affixed at least twenty-one days before such meeting on the principal outer door of the church, or in some public and conspicuous place within the limits of the parish, and to be twice at least during such twenty-one days inserted in some newspaper generally circulated in the county in which such parish is situated, for the purpose of making an agreement for the general commutation of tithes within the limits of such parish; and every landowner and titheowner attending such meeting shall bear his own expenses of attendance; and the landowners and titheowners who shall be present at any such meeting called as aforesaid, and whose interest in the lands and tithes of the parish respectively shall not be less than two-thirds of the lands subject to tithes, two-thirds of the great tithes and two-thirds of the small tithes of the parish, may proceed to make and execute a parochial agreement for the payment of an annual sum by way of rent-charge, variable as hereinafter provided, instead of the great and small tithes of the parish collectively, or instead of the great tithes and small tithes severally, to the respective

which Owners of Two-thirds in value of lands and tithes may agree on the total sum to be paid to the Tithe Owners, which Agreement shall bind the whole Parish. Twenty-one days' notice of meeting to be given, and to be twice advertised.

Expenses to be borne by parties attending Meeting.

be effected of the great tithes alone, or of the small tithes alone. Both must be included, although the agreement may treat them both collectively, and fix one sum for both united, where both, for instance, belong to the same titheowner, or where the meeting agrees that it should be so; or the agreement may provide that one sum be paid for great tithes, and another for small tithes, where they belong to different titheowners, or where the meeting think it desirable to have the two rent-charges kept distinct.

owners thereof in the said parish; and every agreement so made and executed, and confirmed in manner hereinafter mentioned, shall be binding on all persons interested in the tithes or lands subject to tithes of the said parish.

Provisional
Agreements
may be made
at the Parochial
Meetings,

to be binding if
executed within
six months.

Proportional
interest in

18. And be it enacted, that the majority of such landowners and titheowners present at every such meeting shall elect a chairman, who shall forthwith proceed to ascertain^a the interest of the landowners and titheowners then present in person or by their agents; and in case it shall thereupon appear that the persons present at such meeting have not a sufficient interest in the premises as aforesaid to make and execute such an agreement which shall be binding on all persons interested therein, it shall be lawful notwithstanding for any number of the persons then present to make and execute a provisional agreement for the commutation of tithes of the like form and tenor; and every such provisional agreement which shall be executed within six calendar months from the day^o of the first making thereof by the landowners and titheowners whose interest in the lands and tithes of the parish shall not be less than two-thirds of the lands subject to tithes, two-thirds of the great tithes and two-thirds of the small tithes of the parish respectively, shall be as binding as if executed by all the parties thereto at the meeting at which the agreement was first made.

19. Provided always, and be it enacted, that the proportional interest of the owners of such

^a It is advisable that the chairman should certify, in writing, that the interest has been duly ascertained, and the certificate should be annexed to the agreement, and so transmitted with it to the commissioners. It will be seen by the next clause that this interest is to be ascertained by the poor-rate.

^o That is the day of the first signature being attached. See Clause 21.

lands or tithes,^p so far as relates to their power to make any such agreement or provisional agreement, or to give any notice to the commissioners or assistant commissioners as hereinafter provided, shall be estimated according to the proportional sum at which such lands or tithes shall be rated to the relief of the poor, or, if there shall be no such rate, according to the rules by which property of the same kind is by law ratable to the relief of the poor.

Lands and Tithes, how to be estimated for the purposes of this Act.

20. And be it enacted, that in case an adjournment of the said meeting for any cause shall be desired by a majority of the persons attending such meeting, the chairman shall adjourn the meeting to any time^q and place then by him to be declared, and so from time to time, in case the same shall be in like manner desired by a majority of the persons attending such meeting; and notice of every adjourned meeting shall be given under the hand of the chairman, and shall be affixed in a conspicuous place on the outside of the building in which such meeting or the last adjournment thereof shall have been holden; and the like order of proceeding shall be observed at any such adjourned meeting, and every thing done at any such adjourned meeting shall be as valid as if done at the original meeting.

Meeting may be adjourned.

Notice of adjournment.

21. And be it enacted,^r that every such agreement shall bear date on the day on which

Form of Parochial Agreement.

^p It will be convenient at every parochial meeting to have the poor-rate books, and put the assessment of each person present opposite to his name in the minutes of the parochial meeting, and opposite his signature to the agreement, and to add a memorandum of the total amount of assessment of the titheowners and landowners subject to tithes.

^q The twenty-one days' notice is not necessary in the case of an adjourned meeting, as the chairman may adjourn to any time, and so may adjourn to another hour in the same day, if the meeting see fit.

^r The form will be supplied by the commissioners, but it

the¹ first signature is attached thereto, and every such agreement or some schedule thereunto

is of great importance to see that all the requisites of this clause are complied with: They are—

1. Date of first signature to agreement.
2. Particulars of land subject to tithes.
3. Their statute measure.
4. Their mode of culture.
5. Whether subject to any, and what moduses, &c., and the lands covered thereby.
6. To distinguisha between great and small tithes.
7. And in what right each titheowner claims.
8. Exemptions and particulars of land exempt.*
9. Gross amount, in words at length, of proposed rent-charge for tithe.
10. The like for moduses, &c. if any.
11. Distinguishing the amount on every parcel of land payable to each titheowner.†
12. The amount payable in different rights to the same owners.
13. Or such other particulars as the commissioners shall direct.

Nor must the parties to the agreement omit the ordinary points required in a document of this importance—such as the duly signing it; specifying whether the party signing be a landowner or titheowner; what his proportion of interest is, &c. The agreement should also purport to be between the several parties required by the Act, and that it is made under its provisions, *e.g.* An agreement for the commutation of the tithes of the parish of Z, made this — day of — in the year of our Lord —, between A. B. being the owner of not less than two-thirds in value of the great tithes of the parish of Z, of the first part, C. D. being the owner of not less than two-thirds in value of the small tithes of the same parish, of the second part, and the several landowners whose interests, as set forth opposite their respective signatures hereto, amount to not less than two-thirds in value of

* As where the titheowner occupies the titheable lands, in which case the value of the tithes must be calculated as if taken in kind; and the like in the case of glebe, whilst in the hands of an incumbent, or other cases of entire or partial exemption. See Clauses 24, 33, 42, 43, 44, and four following clauses, where these moduses and exemptions are protected.

† These several distinctions are intended to meet the several cases of great or small tithes, portions of tithes, and the like.

annexed shall set forth all the lands of the said parish which are² subject to the payment of any kind of tithes, and also the true or estimated quantity in statute measure³ of land subject to tithes within the parish, which shall be then cultivated⁴ as arable, meadow, or pasture land, or as wood land, common land, or howsoever otherwise ; and shall also set forth whether any modus⁵ or composition real, or prescriptive or customary payment, shall be payable instead of all or any of the tithes of the said parish, and which lands or tithes respectively are covered thereby ; and shall also set forth which of the said tithes, moduses, compositions, or payments are payable to the titheowner, or if there is more than one titheowner⁶ to each of the several titheowners in the said parish, distinguishing⁷ in what right every such titheowner is entitled to such tithes, and shall also set forth whether any and which of the lands of the said parish are or have been under any and what circumstances⁸ exempt from the payment of any and what tithes ; and such agreement shall also state in⁹ words at length the amount of the sum or sums agreed to be paid (subject to variation as hereinafter provided) instead of the tithes of the lands comprised in the said agreement, and instead of all moduses¹⁰ and compositions real, prescriptive and customary payments (if any), payable in respect of such lands, or the produce of such lands or any of them ; distinguishing, if there is more than

the lands subject to tithe in the said parish, of the third part. The agreement would then set forth that it is made under the provisions of this Act—that the meeting has been duly called by landowners or titheowners of one-fourth interest in the lands or tithes in the parish, that it was duly advertised, and otherwise duly appointed, and the respective interests of the parties duly estimated and ascertained, according to the proportional sum in which such tithes or lands are rated (or liable to be rated, as the case may be) to the relief of the poor in the said parish, &c.

one titheowner, the sum payable¹¹ to every such titheowner, and where the tithes of different lands in the same parish are payable to different titheowners, or to the same titheowner¹² in different rights, distinguishing the sum payable in respect of such different lands; and every such agreement shall also state¹³ all such other particulars as the commissioners shall by any order from time to time require to be inserted in such agreements.

Commissioners to frame and circulate Forms of Agreements, &c. to Churchwardens and Overseers, requiring same.

22. And be it enacted,* that the commissioners shall frame and cause to be printed, as soon as conveniently may be after their appointment, forms of notices and agreements, and such other instruments as in their judgment will further the purposes of this Act, and supply all or any of such forms to the churchwardens and overseers of any parish who may require the same, or to whom the commissioners may think fit to send the same, for the use of any landowner or titheowner desirous of putting this Act into execution.

Commissioner or Assistant Commissioner may attend to advise terms of Agreement.

23. And be it enacted, that any commissioner, or assistant commissioner, if the commissioners shall think fit, may attend any such meeting for the purpose of taking part in the discussion and advising on the terms of agreement; but no commissioner or assistant commissioner, during the time that he is actually attending such meeting for that purpose, shall have any of the powers herein given to the commissioners in case of an award or apportionment by the commissioners as hereinafter provided.

* By the 92d clause, letters sent for the purposes of this Act may go free of postage. The applications for forms, it will be observed, must be made through the parochial authorities, and the letters must be directed to "The Tithe Commissioners for England and Wales, London."

24. And be it enacted,^t that if any suit shall be pending touching the right to any tithes, or if there shall be any question as to the existence of any modus or composition real, or prescriptive or customary payment, or any claim of exemption from or non-liability to tithes, under any circumstances, in respect of any lands or any kind of produce, or touching the situation or boundary of any lands; or if any difference shall arise, whereby the making and executing of any such agreement shall be hindered, it shall be lawful for the owners, or, if there shall be no owner actually in possession, for the persons claiming to be the owners of the lands and tithes respectively, being parties to such suit or difference, to submit the same to reference by any writing under their respective hands, containing an agreement that such submission shall be made a rule of any of His Majesty's courts of record, upon such terms of reference as the parties may agree upon; and the decision of the arbitrator or arbitrators named in the said reference shall for the purposes of this Act be final and conclusive on all persons: Provided nevertheless, that no person, being owner of an estate in land or tithes, less in the whole than an immediate estate of fee-simple or fee-tail, shall be empowered to submit to any such reference so as to bind any person in remainder, reversion, or expectancy without the consent of the commissioners; and that it shall be lawful for the commissioners, if they shall think fit so to do, but

Suits and differences may be referred to Arbitration.

Submission to reference of Persons not having Estate in fee, not binding on Reversioner without consent of Commissioners.

^t This clause relates to all cases of disagreement or dispute pending between landowners and titheowners at the passing of the Act, and will enable the disputing parties to refer their suits and differences at once to arbitration. The proviso puts the commissioners in the place of the reversioner, in case he be not a party to the suits, leaving it in their discretion whether he shall be made a party to the reference or not.

Reversioner, &c. to be made a party if the Commissioners see fit. not otherwise necessary, to direct that any person in remainder, reversion, or expectancy of an estate of inheritance in the said lands or tithes, or any other person whom they shall deem to be interested therein, shall be made a party to such reference.

Agreements pending at the time of the passing of this Act, if completed and confirmed by the Commissioners, to be as valid as parochial Agreements.

25. And be it enacted,^u that every agreement for the commutation for a rent-charge of the tithes of any lands which shall be pending at the time of the passing of this Act, and which shall be executed before or within six calendar months after the passing of this Act, by the landowners and titheowners, or persons claiming to be such owners, whose interest in the said lands and tithes shall not be less than two-thirds of the said lands, two-thirds of the great tithes, and two-thirds of the small tithes of the said lands, and which shall be confirmed by the commissioners, under their hands and seal, in the manner hereinafter provided for the confirmation of any parochial agreement, shall be as valid, and the rent-charge agreed to be paid by any such agreement shall be apportioned and charged, as hereinafter provided, among and upon the said lands, as if the agreement had been made and executed at a parochial meeting.

Consent of Patron to be

26. Provided always,^v and be it enacted, that in every case in which any tithes shall belong to

^u This clause places pending agreements on the footing of provisional agreements, and makes them binding in like manner when confirmed by the commissioners. This and the preceding clause will cover every case of difference where tithes or rent-charges are in question. The great advantage of these provisions is, that they will save the cost of private Acts of Parliament for enabling persons, under legal disabilities, to make such agreements.

^v This consent is rendered necessary to prevent improvident bargains by those who have a mere temporary interest in the tithes. (See also Clause 28.)

any ecclesiastical person in right of any spiritual dignity or benefice, no agreement for the commutation of such tithes made and executed under this Act shall be deemed to be executed by the owner of such tithes, unless such consent thereto be given as is hereinafter mentioned; (that is to say,) in the case of an archbishop or bishop, the consent of the Crown, signified by the lord high treasurer or first lord commissioner of the treasury; and in case of the incumbent of any other benefice or ecclesiastical dignity, the consent of the patron or person entitled to present to such benefice or dignity, in case the same were then vacant; and every such consent shall be given under the hand of the person giving the same, and shall be annexed to the agreement, and taken to be part of the execution thereof.

given to every Agreement for Commutation of Ecclesiastical Tithe.

27. And be it enacted, that every such agreement,^w as soon as may be after it shall have been executed by a sufficient number of landowners and titheowners whose interest in the lands and tithes of the parish respectively shall not be less than two-thirds of the lands subject to tithes, two-thirds of the great tithes, and two-thirds of the small tithes, shall be sent by the chairman of the meeting, or by the person in whose custody it shall then be, to the office of the commissioners, and the commissioners, by themselves, or by some assistant commissioner, shall cause inquiry to be made, and shall require such proof as will be satisfactory to them, whether or not the agreement has been made without fraud or

Agreement to be confirmed by the Commissioners,

on proof that it is made without fraud or collusion.

^{IRMS} After the agreement is fully signed, no time should be lost in forwarding it for confirmation, so as to enable the commissioners to make inquiries, and obtain evidence of the fairness of the agreement, according to the provisions of this clause; until confirmation the agreement is of no force. After confirmation the valuation and apportionment take place under Clauses 33 and 34

collusion, and whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the commissioners shall confirm the agreement under their hands and seal, and shall add to such agreement the date of the confirmation, and shall publish the fact of such confirmation and the date thereof within the parish, in such manner as to them shall seem fit; and every such confirmed agreement shall be binding on all persons interested in the said lands or tithes.*

Before Confirmation of Agreement as to Ecclesiastical Tithes, notice to be sent to the Bishop.

28. Provided always, and be it enacted, that before the commissioners shall confirm any such agreement relating to tithes belonging to any ecclesiastical person in right of any spiritual dignity or benefice, they shall communicate the same to the bishop of the diocese for his observations and opinion; and no such agreement shall be confirmed by such commissioners until four weeks shall have elapsed from the date of the transmission of such agreement to such bishop, unless the said bishop shall sooner signify his approbation of such agreement to the said commissioners.

Parochial agreement may

29. And be it enacted,^y that any such parochial agreement may be made in manner and form

* This includes persons in reversion, remainder or expectancy, and makes the agreement final and conclusive. By Clause 65, the commissioners may give notice to the reversioners, and remainder-men, or other interested persons, if they see fit.

^y This provision has been introduced to enable any incumbent to add twenty acres to his glebe. But it is to be observed that such an agreement in this stage of the commutation must be *parochial*, that is, made with the consent of all the parties to the agreement, and not a mere private arrangement with an individual; and the residue of the rent-charge, after deducting the rent-charge value of the twenty acres, must be apportioned over all the other lands in the parish except the land so given to the incumbent, unless the parties provide in the agreement for a

aforesaid for giving to any ecclesiastical owner, in right of any spiritual benefice or dignity, of any tithes, or of any rent-charge for which such tithes shall have been commuted, any quantity not exceeding in the whole twenty imperial acres of land, by way of commutation for the whole or an equivalent part of the great or small tithes of the parish, or in discharge of or exchange for the whole or an equivalent part of any rent-charge agreed to be paid instead of such tithes, but subject in every case to the provisions hereinafter contained; and every such agreement shall be made in such form and contain such particulars as the commissioners shall in that behalf direct, specifying the land whereof the tithes or rent-charge for which such tithes shall have been commuted shall be the subject of such agreement, and giving full and sufficient descriptions of the quantity, state of culture, and annual value of the land proposed to be given in exchange for such tithes or rent-charge: Provided always, that the same consent and confirmation shall be necessary to any such agreement as in the case of an agreement for a rent-charge; and that in case the said agreement shall not extend to the whole of the tithes of the parish, an agreement or award as hereinafter provided may and shall be made for the payment of a rent-charge

be made for giving twenty acres of land to Ecclesiastical Titheowner, by way of Commutation.

Particulars to be specified in such Agreement.

different kind of apportionment; as, for instance, when the parish agree that any one or more of the landowners may give the lands, &c., but still so as to keep the twenty acres so given free of rent-charge.

Lay-impropriators are not included in this provision, but left to their rights, as they may exist independent of the Act.

The form of the agreement is left to the commissioners, whose consent and confirmation are essential to its validity; and by the following clause it will be seen that they must be satisfied of the title and every other particular so as to ensure a fair agreement, and all the costs are to be borne by the landowner.

The twenty acres must be of Imperial measure, and in no case exceed that number.

in satisfaction of the residue of the said tithes ; and such rent-charge when agreed upon or awarded, or the residue thereof, shall be apportioned, in manner hereinafter provided, upon all the lands of the parish subject to the payment of tithes, unless otherwise agreed upon by the parties to the said parochial agreement, except the land so given by way of commutation, in like manner as if no agreement for giving land had been made : Provided also, that the land so given shall be free from incumbrances, except leases at improved rent, land tax, or other usual outgoings, and shall not be of leasehold tenure, nor of copyhold or customary tenure subject to arbitrary fine or the render of heriots.

Commissioners
to satisfy them-
selves of Title,
&c.

30. And be it enacted, that in every case in which any such agreement for giving land shall be so entered into, the commissioners shall satisfy themselves in such way and by such evidence as they shall see fit, of the title to the land proposed thereby to be given in exchange for such tithes or rent-charge, and that the same are of the description and value set forth in such agreement, and that such agreement is conformable in every respect to the provisions hereinbefore contained respecting the same ; and the expense attending every such agreement for giving land and the confirmation thereof, and of investigating the title to the land, shall be borne by the owners of land liable to the payment of tithes within the parish, in such proportions as they may agree, or in default of agreement, as the commissioners may direct.

Expense to be
borne by Land-
owners.

Agreement for
Land when

31. And be it enacted,² that such agreement

² The expense of a conveyance is saved by this clause, but the agreement is not binding till confirmed ; the clause also declares the uses of the agreement by making them of the like nature with the tithes or rent-charge for which the land is given.

for giving land, confirmed by the said commissioners, shall operate as a conveyance of such land to the owner of such tithes or rent-charge, and the land so conveyed shall thereupon vest in and be, and be deemed to be, holden by such person or persons, and upon the like uses and trusts, in every respect, as the tithes or rent-charge in commutation or exchange for which the same shall have been given shall be vested and holden; and for the purpose of making and completing any such agreement, the provisions of this Act respecting persons under legal disability shall apply to every person, party to such agreement, or in whom any such land shall be vested, and whose concurrence or consent may be necessary to the perfecting thereof, or of the title to such land, as fully as if the same had been here repeated and re-enacted.

confirmed to
operate as Con-
veyance to like
uses as Tithes
or Rent-charge.

32. And be it enacted,^a that at the said meeting, or at some adjournment thereof, or at

Appointment
of Valuers by
Landowners.

^a The gross amount of rent-charge having been agreed on by the landowners and titheowners jointly, the landowners are empowered to choose a valuer, or any even number of valuers, to apportion this amount amongst themselves, but the concurrence of two majorities is necessary to this appointment; one in respect of the number, and the other in respect of the interest of the landowners. The titheowners have no such interest in this apportionment as to make their interference or concurrence necessary. It was suggested during the discussions upon the Bill, that if the landowners and titheowners agreed without the intervention of valuers, the delay and expense consequent on the appointment might be saved; but as the minority in the parish who are not parties to the agreement are still bound by it, it is essential that some competent valuers should be chosen who can determine or give evidence of the propriety of the apportionment, and of the fidelity of the map or plan to be annexed to the latter. It would be proper to have this appointment of the valuers in writing, and the majorities duly ascertained by a minute of those present at the meeting, and of their rated rental as appearing by the poor-rate under Clause 19. If in six months the valuation and apportionment shall not be completed by valuers so chosen, the commissioners may apportion. (See Clause 54.)

some other parochial meeting to be called in like manner, either before or after the confirmation of the agreement, the owners of lands subject to tithes in the said parish, or their agents present at the meeting, may appoint a valuer or valuers; and in case the majority in respect of number and the majority in respect of interest shall not agree upon the appointment, then they shall appoint two or such other even number of valuers as shall be then agreed on by such landowners; half of such number to be chosen by a majority in respect of number, and the other half by a majority in respect of interest of such landowners then present.

Valuers to
apportion the
Rent-charge.

33. And be it enacted, that as soon as may be after the choosing of such valuer or valuers, and after the confirmation of the said agreement, the valuer or valuers so chosen shall apportion^b

^b No apportionment can be made but by the valuers duly appointed, or the commissioners when their interference is necessary; but the meeting may determine the principle on which the valuers are to proceed. It has been objected to in former plans of commutation, that they fixed an occupier of highly cultivated land with a high tithe, and the reverse. By this provision, which brings not only the titheable produce, but the productive quality of the land, before the notice of the meeting or valuers, the apportionment may be taken with perfect fairness to all, and equalize the tithe according to what the land is capable of producing throughout the whole parish; *e. g.* Suppose the gross rent-charge or tithe has been agreed upon at 500*l.* per annum, the parish has to find this amount for the titheowners, and the valuers may, under the direction of the landowners, allot to each a proper quota, according to the fair average titheable value of his land,—no matter what may be the nature of the tithe to which it may be at that time liable. The landowners can also, if they please, relieve the poorer tithe-payers, by ascertaining the amount of the tithes payable by them, and add them to the gross amount of tithes; as also the Easter offerings, mostuaries, and surplice fees, under a special provision to that effect if they see fit, such a power being reserved in Clause 90. The few pounds paid for this kind of tithes, though important to the poorer clergy, whose income often depends on these

the total sum agreed to be paid by way of rent-charge instead of tithes, and the expenses of the apportionment, amongst the several lands in the said parish, according to such principles of apportionment as shall be agreed upon at the meeting at which the valuer or valuers shall be chosen; or if no principles shall be then agreed upon for the guidance of the valuer or valuers, then, having regard to the average titheable produce and productive quality of the lands, according to his or their discretion and judgment, but subject in each case to the provisions hereinafter contained, and so that in each case the several lands shall have the full benefit of every modus^c and composition real, prescriptive and customary payment, and of every exemption from or non-liability to tithes relating to the said lands respectively, and having regard to the several tithes to which the said lands are severally liable: Provided that it shall be lawful for the said valuers, when an even number is chosen, by any writing under their hands, to appoint an umpire^d before they proceed upon the business of such apportionment, and the decision of the umpire on the questions in difference^e between the valuers

According to principles agreed on by Landowners, or having regard to Produce and quality of Lands.

Moduses and Exemptions to be respected.

Umpire may be appointed.

tithes, and often giving rise to unpleasant disputes, would not be felt when thus apportioned over the whole parish.

^c That is, the proportion of rent-charge on lands entitled to a modus will be calculated on the money value of the modus. There are some shifting moduses which will form the subject of an average; as, *e. g.* where land pays a modus whilst in pasture, but becomes subject to tithe if broken into tilth. (See also Clause 44.)

^d The umpire must be appointed in the first instance, or the valuation, in case of disputes, would be void. But although so appointed it is not necessary he should act, unless a dispute really arise; and it would be good ground of appeal against the costs of the valuation if the umpire were to act, unless a cause for his acting really arise.

^e If the valuers do not complete their work in six months, the commissioners may then interfere and effect an apportionment. (See Clause 54.)

shall be binding on them, and shall be adopted by them in the apportionment.

Valuers may enter on Lands for the purpose of valuing Tithes.

To subscribe Declaration before acting.

34. And be it enacted, that the said valuers and umpire (if it shall become necessary for him to act), and their agents or servants, at all reasonable times, may enter upon any of the lands to be included in the apportionment, and make an admeasurement, plan, and valuation of the same, without being subject to any action or molestation for so doing: Provided always, that no valuer or umpire shall be capable of acting until he shall have made and subscribed before the said commissioners, or some assistant commissioner or justice of the peace,^f a solemn declaration to the same purport and effect as the oath hereinbefore directed to be made by the said commissioners, substituting only the proper description of such person instead of the word commissioner, and adding to his signature the usual place of his residence; which declaration it shall be lawful for the said commissioners or any assistant commissioner or justice to administer; and every such declaration so made and subscribed shall be countersigned by the person before whom the same shall have been made, and shall be sent by him to the office of the commissioners.

Old Plans and Surveys may be used, if the Valuers think proper.

35. And be it enacted, that the valuer or valuers or umpire may, if they think fit, use for the purposes of this Act any admeasurement,

^f This declaration must be made before acting; any thing done previously to the declaration being made would be void: the declaration would be in the same form as the oath, substituting the words "solemnly declare," for the word "swear;" and the words "valuer or umpire" (as the case may be) for "commissioner;" and instead of the caption saying "taken before me," it should be, "the above declaration was made by the above-named A. B. before me," &c. (See form, Clause 9.)

plan, or valuation previously made of the lands or tithes in question, of the accuracy of which they shall be satisfied; and that it shall be lawful for the meeting at which such valuer or valuers shall be chosen to agree upon the adoption, for the purposes aforesaid, of any such admeasurement, plan, or valuation; and such agreement shall be binding upon the valuer or valuers: Provided always, that three-fourths of the landowners in number and value shall concur therein.

And if three-fourths of the Landowners concur,

36.^h And be it enacted, that after the first day of *October* one thousand eight hundred and thirty-eight, the commissioners shall proceed in manner hereinafter mentioned, at such time and in such order as to them shall seem fit,ⁱ either by themselves or by some assistant commissioner, to ascertain and award the total sum to be paid by way of rent-charge instead of the tithes of every parish in *England* and *Wales* in which no such agreement binding upon the whole parish as aforesaid shall have been made and confirmed as aforesaid: Provided nevertheless, that if any proceeding shall be had towards making and

After 1st of October, 1838, Commissioners may ascertain total value of Tithes in any Parish in which no previous Agreement made.

To refrain from acting if notice

^c It is not imperative on the valuers to use these plans unless they be placed in their hands by the meeting, with instructions for their adoption.

^h The 36th to the 52d clauses empower the commissioners to make a compulsory award, in case no voluntary agreement has been made before the 1st October, 1838. The effect of these clauses is to enable the commissioners to act as the land and titheowners might have done by their voluntary agreement; but the proviso enables the commissioners to refrain from acting, if a voluntary agreement be preferred after they have commenced compulsory proceedings.

ⁱ It is a part of the commissioners' positive duties to take these compulsory proceedings in every parish where a voluntary agreement shall not have been made previous to 1st October, 1838, although the time of acting after that day is optional with them.

given of intention to make Agreement.

executing any such agreement after the commissioners shall have given, or caused to be given, notice of their intention to act as aforesaid in such parish, the commissioners may refrain from acting upon such notice if they shall think fit, until the result of such proceeding shall appear.

Value of Tithes to be calculated upon an average of Seven Years preceding Christmas 1835.

37.^k And be it enacted, that in every case in which the commissioners shall intend making such award, notice thereof shall be given in such manner as to them shall seem fit; and after the expiration of twenty-one days after such notice shall have been given, the commissioners, or some assistant commissioner, shall, except in the cases for which provision is hereinafter made, proceed to ascertain the clear average value (after making all just deductions on account of the expenses of collecting, preparing for sale, and marketing, where such tithes have been taken in kind,) of the tithes of the said parish, according to the average of seven years preceding *Christmas* in the year one thousand eight hundred and thirty-five:^l Provided, that if during the said period of seven years, or any part thereof, the said tithes

If compounded or demised,

^k The advantage of the voluntary agreement consists in its allowing the land and titheowners to settle the amount to be paid and apportioned in any way they please. Hence the 37th and 38th clauses are only applicable to cases of compulsory commutation, unless the land and titheowners agree that the valuers shall adopt the same principle. But the commissioners, when their powers are called into action, are, in the first place, tied down to the principles of previous payments for the last seven years, whether they be high or low, with the power, reserved in the 38th clause, of increasing or decreasing such amount to the extent of one-fifth, or in special cases, or under circumstances of fraud or collusion, with power of alteration, having reference to the rent-charges paid in the neighbourhood. These latter powers, however, are only to be exercised in some way which the commissioners are bound previously to define, by rules to be laid before Parliament on or before the 1st of May, 1838. (See proviso to Clause 38.)

^l Christmas, 1835, is a fixed date anterior to the passing of the Act; and the object of thus fixing it is obvious.

or any part thereof shall have been compounded for or demised to the owner or occupier of any of the said lands in consideration of any rent or payment instead of tithes, the amount of such composition or rent or sum agreed to be paid instead of tithes shall be taken as the clear value of the tithes included in such composition, demise, or agreement during the time for which the same shall have been made;^m and the commissioners or assistant commissioner shall award the average annual value of the said seven years so ascertained as the sum to be taken for calculating the rent-charge to be paid as a permanent commutation of the said tithes: Provided also,

Composition or
Rent to be
taken as value
of Tithes.

^m As the singular imports the plural, this proviso will extend to cases of sub-demises to more than one party falling under the class of owner of the lands, or occupier; but the permanent rent-charge will be based on the arrangement subsisting between the actual occupier of the land, subject to tithe, and the titheowner who stands as actual occupier, or, as it were, landlord of the tithes. Thus, if A. lets the tithes to B., who takes in kind, the rent-charge will be based on the tithes as so taken; but if B. be the occupier, or being the landowner shall sub-let them to his tenants, or compound, at a given sum, the rent on the sub-letting or the composition will be the basis of the rent-charge. Again, if A., the tithe-owner, let to B., the landowner, who lets his land tithe-free, the rent paid by B. to A. will be the basis for the commutation: as the principle of the provision is, that what the titheowner has been *bonâ fide* content to take, or the landowner or occupier has been content to pay for the last seven years, may fairly be presumed to represent the agreed, and hence substantial, value of the tithes, as they immediately affect or press upon the land. It is important to bear this in mind, and also to observe, that the rent for which tithes are compounded imports the rent or composition due from the immediate tithe-payer; otherwise, in a succession of demises, there would be more rent-charges than one, or it might be urged that the nominal rent in a college or chapter lease, where a fine has been paid, is to be the basis of the commutation. If, however, a fine and nominal rent has been paid by the actual occupier of the land, and in any case a question should arise on the application of this clause, the spirit of the Act would seem to require that the value of the fine paid should be converted into an annuity payable during the lease, and with the annual rent, estimated as the real rent paid.

Proviso for Reduction where Abatement has been made on account of Composition being above real value.

Tithes to be valued without deduction on account of Parochial and County Rates.

Power to alter Averages on Appeal.

that whenever it shall appear to the commissioners that the party entitled to any such rent or composition shall in any one or more of the said seven years have allowed and made any abatement from the amount of such rent or composition, on the ground of the same having in any such year or years been higher than the sum fairly payable by way of composition for the tithe, but not otherwise,ⁿ then and in every such case such diminished amount, after making such abatement as aforesaid, shall be deemed and taken to have been the sum agreed to be paid for any such year or years: Provided also, that in estimating the value of the said tithes the commissioners or assistant commissioner shall estimate the same, without making any deduction therefrom on account of any parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable; and whenever the said tithes shall have been demised or compounded for on the principle of the rent or composition being paid free from all such rates, charges, and assessments, or any part thereof, the said commissioners or assistant commissioner shall have regard to that circumstance, and shall make such an addition on account thereof as shall be an equivalent.^o

38.^p Provided always, and be it enacted, that in case notice in writing under the hand

ⁿ Abatements from mere compassion to the insolvency or distress of the tithe-payer are not included in this provision.

^o This provision is founded on the principle, that the composition which was agreed to be paid clear of rates would have been increased by the amount of those rates, if it had been liable to them. For instance, if the rates were 1s. in the 1l., and the composition had been 190l. free from rates, it is plain that the real composition, subject to rates, was 200l.

^p The provisions of Clauses 38 and 39, for making alterations in the amount of the average value, are discretionary

of any patron, or the hands of any land-owners or titheowners whose interest in the lands or tithes of the parish shall not be less than one-half of the lands subject to tithes, one-half of the great tithes or one-half of the small tithes of the parish, shall be given to the commissioners or assistant commissioner acting in that behalf, within one calendar month next after the notice of the intention to make an award shall have been given as aforesaid, that the average value to be ascertained as aforesaid will not fairly represent the sum which ought to be taken for calculating a permanent commutation of the great or small tithes of the said parish, the commissioners shall have power to diminish or increase the sum to be so taken by a sum amounting to not more than one-fifth part of the average value ascertained as aforesaid: Provided always, that every case which shall appear to the commissioners to be fraudulent or collusive, or which, by reason of the length of time which shall have elapsed since the making of any composition then in force, or which by reason of the peculiar interest in the lands or tithes of either of the parties to any composition, or by reason of any

Power to increase or diminish Average by one-fifth.

Certain cases may be reserved for Special Adjudication at discretion of Commissioners.

with the commissioners; but they can only be put in force in cases of compulsory awards of the total amount of rent-charge to be fixed on any parish. Any case of fraud or collusion in voluntary agreements is matter of inquiry by the commissioners before confirmation (Clause 27); and after such confirmation of either a voluntary agreement or compulsory award, all matters of objection will be confined to the apportionment, and will be disposed of accordingly. (See Clause 61.) Although these clauses do not come into operation before October, 1838, it will be desirable for any person interested in tithes to collect and preserve evidence of their value, for the purpose of being used as occasion may require; the average, in all cases, being confined to seven years, ending Christmas, 1835.

Commissioners
to Certify before
1st May, 1838,
how discretion
to be exercised.

other special circumstances, ought in the judgment of the commissioners to be separately adjudicated upon, shall be reserved for separate adjudication as hereinafter provided; and the commissioners shall certify and report to one of His Majesty's principal secretaries of state, under their hands and seals, before the first day of *May* in the year one thousand eight hundred and thirty-eight, in what manner the discretion hereby vested in them ought in their judgment to be exercised, and shall in the said report lay down such rules for the guidance of the assistant commissioners as may to them seem expedient, and such report shall be laid before Parliament within six weeks after the same shall have been received, or after the meeting of Parliament; and unless Parliament shall otherwise provide, such rules shall be observed by the said commissioners and assistant commissioners in the exercise of the discretion hereby vested in the commissioners.

Special Adjudications how to be made; and report of such Cases to be made to the Secretary of State.

39. And be it enacted, that the commissioners shall from time to time report to one of His Majesty's principal secretaries of state, under their hands and seals, all the cases which under the power hereinbefore reserved to them in that behalf shall have been reserved for separate adjudication, and shall state in every such report the reasons for so reserving every case mentioned therein; and the commissioners shall in every such case award the rent-charge to be paid as a permanent commutation for tithes, having regard to the average rate which shall be awarded in respect of lands of the like description and similarly situated in the neighbouring parishes: Provided always, that a draft of such intended award, with a copy of

so much of the said report as is applicable to such award, shall be deposited in the parish; and the commissioners, or an assistant commissioner to be specially appointed by the commissioners for that purpose, shall hear and determine all objections to the award in the like manner as is herein provided in an ordinary case of award, and the commissioners shall have power thereupon to amend the draft of the said award accordingly.

Award of such Cases to be deposited in the Parish.

40. And be it enacted,⁹ that in case any of the lands in the parish shall be hop grounds, orchards, or gardens, and notice shall be given by the owner thereof to the commissioners or assistant commissioner acting in that behalf that the tithes thereof should be separately valued, the commissioners or assistant commissioner shall estimate the value of the tithes thereof according to the average rate of composition for the tithes of hops, fruit, and garden produce respectively, during seven years preceding *Christmas* in the year one thousand eight hundred and thirty-five, within a district to be assigned in each case by the commissioners or assistant commissioner, and estimating the same as chargeable to all parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable, and shall add the value so estimated to the value of

How the Tithe of Hops, Fruit, and Garden produce is be valued.

⁹ As the whole rent-charge has been fixed by the commissioners, the owner of the hop grounds, orchards, and gardens, of which the tithes will probably be much higher than of ordinary lands or produce, is the party most interested in having provision made for a separate valuation, having a view to an alteration and reduction on change of cultivation, according to the provision of Clause 42. Hence it is on his notice that the commissioners are called on to interfere.

the other tithes of the parish ascertained as aforesaid.

How the Tithe
of Coppice
Wood is to be
valued.

41. And be it enacted,^r that in case any of the lands in the parish shall be coppices, and notice shall be given by the owner thereof, or by the owner of the tithes thereof, to the commissioners or assistant commissioner acting in that behalf, that the tithes thereof should be separately valued, the commissioners or assistant commissioner shall estimate the value of the tithes thereof with a due regard to the average value, estimated according to the best of their judgment, of coppice wood of the same kind cut during the said period of seven years in that parish and the neighbouring parishes, estimating the same as chargeable to all parliamentary, parochial, county and other rates, charges, and assessments to which the said tithes are liable, and shall add the clear value of the tithes so estimated to the value of the other tithes of the parish ascertained as aforesaid; and the commissioners shall, in the report which they are hereinbefore required to make to one of His Majesty's principal secretaries of state before the first day of *May* in the year one thousand eight hundred and thirty-eight, lay down rules for the guidance of the assistant commissioners in estimating the value of the tithes of coppice wood, and unless Parliament

Clause 38.

^r In the case of coppice wood, it may happen that no cutting has taken place, or tithe accrued, for seven years. In that case, it is the interest of the titheowner to call for a separate valuation. Or there may have been a cutting in the seven years, amounting to more than a fair average, according to the custom of cutting. In this latter case, the tithe-payer is interested in having a separate valuation. Either land or titheowner may therefore call for a separate valuation under this clause.

shall otherwise provide, such rules shall be observed by the said commissioners and assistant commissioners.

42. And be it enacted,^s that the amount which shall be charged by any such apportionment, as hereinafter provided, upon any hop grounds or market gardens in any district so to be assigned, shall be distinguished into two parts, which shall be called the ordinary charge and the extraordinary charge, and the extraordinary charge shall be a rate per imperial acre, and so in proportion for less quantities of ground, according to the discretion of the valuers or commissioners or assistant commissioner by whom the apportionment shall be made as aforesaid; and all lands whereof the tithes shall have been commuted under this Act, and which shall cease to be cultivated as hop

Provision for the change of culture of Hop Grounds and Market Gardens.

^s This provision for fixing an additional tithe on land newly brought into hop or garden cultivation, is applicable both to voluntary and compulsory cases; but it is evidently against the principle of the Bill, which is opposed to a tax on improvements, or a check on change of cultivation. Still without this provision, the old hop grounds and market gardens would remain charged with a high tithe, and thus the new would have a *quasi* monopoly. The subject involved considerable difficulty, for if the rent-charge on hops and gardens were simply based on the higher rate of tithe, to which they are liable, in comparison with the tithe of mere arable and pasture lands, the burthen would be out of all proportion on a change of cultivation; hence arose a necessity for a provision which would relieve hop grounds, and gardens from such a rent-charge; and it then became a matter of mere justice to make the provision extend to a change the other way.

The first part of this clause providing for two rates of charge, relates to hop grounds and market gardens within any district to be assigned by the commissioners under the 40th clause. The latter part of the clause relates to hop grounds, or market gardens, not comprised within any such district. And the provision for this extraordinary charge is limited to the duration of the commission. After the time fixed by the Act for the commission shall have expired, the extension or modification of this provision will rest with Parliament.

No additional amount to be charged during first year, and only half during second.

grounds or market gardens at any time after such commutation, shall be charged after the 31st day of *December* next following such change of cultivation, only with the ordinary charge upon such lands; and all lands in any such district the tithes whereof shall have been commuted under this Act, and which shall be newly cultivated as hop grounds or market gardens at any time after such commutation, shall be charged with an additional amount of rent-charge per imperial acre, equal to the extraordinary charge per acre upon hop grounds or market gardens respectively in that district: Provided always, that no such additional amount shall be charged or payable during the first year, and half only of such additional amount during the second year, of such new cultivation; and an additional rent-charge by way of extraordinary charge upon hop grounds and market gardens, newly cultivated as such beyond the limits of every district in which any extraordinary charge for hop grounds or market gardens respectively shall have been distinguished as aforesaid at the time of the commutation, shall be charged by the commissioners at the time of such new cultivation, upon the request of any person interested therein, if such new cultivation shall have taken place during the continuance of the commission of the said commissioners, and after the expiration of the commission shall be charged in such manner and by such authority as Parliament shall direct, and shall be payable and recoverable in like manner and subject to the same incidents in all respects as an extraordinary charge charged upon any hop grounds or market gardens at the time of commutation.

How exemptions by reason

43. And be it enacted, that in case any of the lands in the parish shall, during any part

of the said period of seven years preceding *Christmas* in the year one thousand eight hundred and thirty-five, have been exempted from payment of tithes by reason of having been enclosed under any Act of Parliament, or converted from barren heath or waste ground,^t or by reason of being glebe lands^u or of having been heretofore parcel of the possessions of any privileged order,^v and notice shall have been given as last aforesaid to the commissioners or assistant commissioner acting in that behalf, that the tithes thereof should be separately valued, the commissioners or assistant commissioner shall estimate the value of the tithes thereof according to the average value which shall be ascertained as aforesaid in respect of lands of the like description and quality in that parish and the neighbouring parishes, or as near thereto as the circumstances of each case may in their judgment require, and estimating the same as chargeable to all parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable, and shall add the value so estimated to the value of the other tithes of the parish ascertained as aforesaid.

^t Under 2 and 3 Ed. 6, cap. 13, sec. 5 and 6.

^u And hence discharged from tithes whilst in the hands of the incumbent.

^v For example, there are several tracts of land, formerly the property of the privileged orders of Cistercians and Hospitallers, which paid tithes whilst occupied by a tenant, but were exempt when held by the owners. This partial exemption is now the privilege of the present owners of these lands; and hence a special provision is necessary, in order to cover cases where the exemption has extended over the seven years, ending Christmas, 1835. But when valued, it will be found by the next clause, that due allowance must be made for the exemption by the commissioners; as, for instance, they might fix the rent-charge, and declare it payable like the tithes, only when the lands out of which the rent-charge issues are occupied by a tenant, but ceasing to be payable when occupied by an owner.

Moduses, &c. -
how to be
allowed for in
the Award.

Proviso as to
recent deci-
sions.

Commissioners
may hear and
determine
disputes.

44. And be it enacted,^w that if any modus or composition real, or prescriptive or customary payment shall be payable instead of the tithes of any of the lands or produce thereof in the said parish, the commissioners or assistant commissioner shall in such case estimate the amount of such modus, composition, or payment as the value of the tithes payable in respect of such lands or produce respectively, and shall add the amount thereof to the value of the other tithes of the parish ascertained as aforesaid, and shall also make due allowance for all exemptions from or non-liability to tithes of any lands or any part of the produce of such lands: Provided also, that if it shall appear to the said commissioners or assistant commissioner that any question concerning any modus or composition real, prescriptive or customary payment, or claim of exemption from or non-liability to the payment of tithes relating to the lands in question, shall have been decided by competent authority before the making of the said award, the commissioners or assistant commissioners shall act on the principle established by such decision, and shall make their award as if such decision had been made at the beginning of the said period of seven years.^x

45. And be it enacted,^y that if any suit shall be pending touching the right to any tithes, or

^w This clause is similar to the provision, with respect to moduses and the like, in the case of parochial agreements, Clauses 21 and 23.

^x Thus, if during the seven years a modus has been established, the award will take seven years' modus as the basis for the rent-charge to be apportioned on these particular lands; but if, on the contrary, a modus has been set aside, and the lands declared subject to tithes, then the average of seven years' value of tithes will be taken.

^y In the cases of voluntary agreements, the mode of ad-

if there shall be any question as to the existence of any modus or composition real, or prescriptive or customary payment, or any claim of exemption from or non-liability under any circumstances to the payment of any tithes in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making of any such award by the commissioners or assistant commissioner shall be hindered, it shall be lawful for the commissioners or assistant commissioner to appoint a time and place in or near the parish for hearing and determining the same; and the decision of the commissioners or assistant commissioner shall be final and conclusive on all persons, subject to the provisions hereinafter contained.

46. Provided always, and be it enacted, that any person claiming to be interested in any lands or in the tithes thereof who shall be dissatisfied with any such decision of the commissioners or assistant commissioner, may, if the yearly value of the payment to be made or withholden according to such decision shall exceed the sum of twenty pounds, cause an action to be brought in any of His Majesty's courts of law at *Westminster* against the person in whose favour such decision shall have been

Subject to
Appeal by an
Issue at Law.

justing disputes is by a reference to arbitrators, chosen by the parties, and an umpire chosen by the arbitrators. In the compulsory cases, the adjustment rests with the commissioners or assistant commissioners, subject to an appeal at law, as provided in the following clauses.

By these clauses all the suits of the description above mentioned, which may be pending on the 1st October, 1888, will be transferred to the commissioners. Previous to that date, the parties may refer them, under the clauses above cited, as applicable to voluntary agreements. In either case, a vast saving of costs, and vexatious litigation and heart-burning, will be effected.

made, within three calendar months next after such decision shall have been notified in writing in such manner as the commissioners or assistant commissioner shall direct, to the parties interested therein or to their known agents; in which action the plaintiff shall deliver a feigned issue; whereby such disputed right may be tried, and shall proceed to a trial at law of such issue at the sittings after the term or at the Assizes then next or next but one after such action shall have been commenced, to be holden for the county within which such lands or the greater part thereof are situated, with liberty nevertheless for the court in which the same shall have been commenced or any judge of His Majesty's courts of law at *Westminster*, to extend the time for going to trial therein, or to direct the trial to be in another county if it shall seem fit to such court or judge so to do; and every defendant in any such action shall enter an appearance thereto, and accept such issue; but in case the parties shall differ as to the form of such issue, or in case the defendant shall fail to enter such appearance or accept such issue, then the same shall be settled under the direction of the court in which the action shall be brought, or by any judge of His Majesty's courts of law at *Westminster*, and the plaintiff may proceed thereon in like manner as if the defendant had appeared and accepted such issue; and the parties in such action shall produce to each other and their respective attorneys or counsel, at such time and place as any judge may order before trial, and also to the court and jury upon the trial of any such issue, all books, deeds, papers, and writings, terriers, maps, plans, and surveys relating to the matters in issue in their respective custody or power; and it shall be lawful for the judge by whom any such action

shall be tried, if he shall think fit, to direct the jury to find a verdict, subject to the opinion of the court upon a special case; and the verdict which shall be given in any such action, or the judgment of the court upon the case subject to which the same may be given, shall be final and binding upon all parties thereto, unless the court wherein such action shall be brought shall set aside such verdict and order a new trial to be had therein, which it shall be lawful for the said court to do, if it shall see fit: Provided also, that in case any such decision shall involve a question of law only, and the parties in difference shall be agreed upon the facts relating thereto, and whereon such decision shall have been founded, the said commissioners or assistant commissioner, at the request of the person dissatisfied, (such request to be made in writing within three calendar months after such decision, and at least fourteen days' previous notice in writing of such request to be given in like manner to the other parties in difference or to their known agents,) shall direct a case to be stated for the opinion of such one of His Majesty's courts of law at *Westminster* as the commissioners or assistant commissioner shall think fit, which case shall be settled by them or him, or under their or his direction in case the parties differ about the same, and may be set down for argument and be brought before the court in like manner as other cases are brought before the court; and the decision of such court upon every case so brought before it shall be binding upon all parties concerned therein: Provided always, that after such verdict given and not set aside by the court, or after such decision of the court, the said commissioners or assistant commissioner shall be

Or by taking
the opinion of
a Court of
Law thereon.

bound by such verdict or decision; and the costs of every such action, or of stating such case and obtaining a decision thereon, shall be in the discretion of the court in or by which the same shall be decided, which may order the same to be taxed by the proper officer of the court; and the like execution may be had for the same as if such costs had been recovered upon a judgment of record of the said court.

Proceedings
not to abate by
Death of Par-
ties.

47. And be it enacted,² that no proceeding of or before the commissioners or any assistant commissioner, or in any action, or in any case stated, or reference in pursuance of this Act, shall abate or cease by reason of the death of any person interested therein.

In case of
Death of
Parties before
Actions
brought, &c.
the same to be
carried on and
defended in
their names.

48. And be it enacted, that if any person in whose favour any such decision of the commissioners or any assistant commissioner shall have been made shall die before any such action shall have been brought or case stated, and before the expiration of the time hereinbefore limited for that purpose, it shall be lawful for every person who might have brought such action, or have had such case stated against the person so dying, to bring or have the same within the time so limited as aforesaid, nominally against such person as if living, and to serve the said commissioners or assistant commissioner with process and notices relating thereto, in the same manner as the person deceased might have been served therewith if living; and it shall be lawful for every person entitled to the benefit of such

² This enactment, which is one of technical advantage, relates to both voluntary agreements and references, and to compulsory proceedings or decisions of the commissioners.

decision as aforesaid, or, in case of any such person being a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband, or attorney respectively, or in default thereof, such person as may be nominated for that purpose by the commissioners, and whom they are hereby empowered to nominate under their hands and seal, to appear and defend such action or argue such case; and proceedings shall be had therein in the same manner, and the rights of all persons shall be equally bound and concluded by the event of such action or the decision upon such case, as if such person had been living; and the costs of every such action or case shall be in the discretion of the court as aforesaid.

49. Provided always, and be it enacted, that nothing in this Act contained shall revive any right to tithes which now is or hereafter shall be barred by any law in force for shortening the time required in claims of *modus decimandi* or exemption from or discharge from tithes, or for the limitation of actions and suits relating to real property.^a

Statutes of
Limitation not
to be affected.

50. And be it enacted, that as soon as all such suits and differences shall have been decided, or if there shall have been no suits or differences, then as soon as the commissioners or assistant commissioner shall have ascertained and estimated as aforesaid the total value of all the tithes of the said parish, the commissioners or assistant commissioner shall frame the draft

Commissioners
to award total
sum to be paid
for the tithes
of the Parish.

^a These Acts are two, one commonly called Lord Tenterden's Act, being 2 & 3 W. 4. cap. 100; the other, the present Statute of Limitations, being 3 & 4 W. 4. cap. 27.

of an award, declaring that the sum ascertained as aforesaid shall be the amount of the rent-charge to be paid in respect of the tithes of the said parish, and every such draft shall contain all the particulars hereinbefore required to be inserted in any parochial agreement, or any schedule thereto :^b Provided always, that no such award shall be made for giving land instead of the tithes of the parish.^c

Such Award
not to extend
to giving Land.

Commissioners
may hear and
determine
objections to
the Award,

and appoint a
Meeting for the
purpose.

51. And be it enacted, that as soon as the said draft shall have been made by the commissioners or assistant commissioner, they or he shall deposit a copy of the same, and of any special report thereunto annexed, at some convenient place within the said parish, for the inspection of all persons interested in the said lands or tithes, and shall forthwith give notice in such manner as to the commissioners shall seem fit, where the said copy may be inspected; and shall also in such notice appoint some convenient place and time (the first not earlier than twenty-one days from the first giving of such notice) for holding a meeting to hear objections to such intended award by any person interested therein; and the said commissioners or assistant commissioner at such meeting as aforesaid shall hear and determine any objections which may be then and there made to the said intended award, or

^b See note to Clause 21.

^c Land can only be given in the case of parochial agreements under Clauses 29, 30, and 31. But, after the intervention of the commissioners, a power is given by Clause 62, enabling any landowner to make a voluntary agreement with any ecclesiastical titheowner for land to the extent of twenty acres, previous to the confirmation of the apportionment. The commissioners are prohibited from awarding land, for the obvious reason, that it would, in effect, be giving them a power to make a compulsory redemption.

adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the lands or tithes, or any of them; and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said commissioners or assistant commissioner shall have heard and determined all such objections, they or he shall amend the draft of such award accordingly, if they or he shall see occasion.^d

Award to be amended if Commissioners shall see occasion.

52. And be it enacted,^e that as soon as the commissioners or assistant commissioner shall have made such amendments in the draft of the award as to them or him shall seem necessary, they or he shall cause the same to be fairly written, and shall sign and send it to the office of the commissioners, and the commissioners shall satisfy themselves that all the proceedings incident to the making of such award have been duly performed; and if they shall think that the award ought to be confirmed, shall confirm the same under their hands and seal, and shall add to the award the date of such confirmation, and shall publish the fact of such confirmation and the date thereof, in the parish, in such manner as to them shall seem fit; and every such confirmed award shall be binding on all persons interested in the said lands or tithes.

Award to be confirmed by the Commissioners.

Confirmed Award binding on all Persons.

Clause 65, the commissioners are empowered to give notice to reversioners and remainder-men, and persons interested in the award.

loses that part of the commutation charge on the parish, and brings the same stage as the confirmation of Clause 27.

Commissioners
to summon
a Parochial
Meeting to
appoint
Valuers.

53. And be it enacted,^f that as soon as the commissioners shall have confirmed any such award, the commissioners or some assistant commissioner shall call a parochial meeting of the owners of land subject to tithes in the said parish, for the purpose of choosing valuers to apportion the amount so awarded among the lands of the parish, and shall give notice thereof in writing under their or his hand, to be fixed at least twenty-one days before such meeting on the principal outer door of the church, or in some public and conspicuous place within the parish; and valuers or a single valuer may be chosen at such meeting by the landowners then present in like manner, and the valuers so chosen shall act with the same powers and be subject to the same provisions, as if the rent-charge so awarded had been agreed to at a parochial meeting of the landowners and titheowners of the parish, and the valuers had been thereupon chosen as aforesaid.^g

If valuation
not completed
in Six
Months, Com-
missioners to
apportion.

54. And be it enacted,^h that if upon the expiration of six calendar months after the day of the date of the confirmation of any agreement or award, no valuer or valuers shall have been appointed, or the apportionment by such valuers or valuer shall not have been made and sent to

^f The commissioners, having agreed on their compulsory award of the total sum to be paid in any parish, are by this clause required to call a parochial meeting of the landowners, for the purpose of appointing valuers to effect the apportionment; thus recurring to the voluntary principle.

^g See 32d and three following clauses.

^h If the landowners, after being thus called on, or even after they shall have agreed voluntarily on the whole sum to be paid, shall not fix on valuers within six months from the confirmation of the agreement, or award, or if the valuers shall not have completed their apportionment by that time; then the commissioners may, by this clause, appoint their own valuers, and proceed to a compulsory apportionment.

the office of the commissioners as hereinafter provided, it shall be lawful for the commissioners or some assistant commissioner to apportion the rent-charge previously agreed or awarded to be paid among the lands of the said parish, having regard to the average titheable produce and productive quality of the said lands, according to the discretion and judgment of the commissioners or assistant commissioner, but subject to the provisions hereinafter contained, and so that the several lands may have the full benefit in each case of every modus, composition real, prescriptive and customary payment, and of every exemption from or non-liability to tithes relating to the said lands respectively, and having regard to the several tithes to which the said lands are severally liable.

Having regard to Produce and Quality of Lands.

Moduses, &c. to be respected.

55. And be it enacted,ⁱ that a draft of every apportionment shall be made, and shall set forth the agreement or award, as the case may be, upon which such apportionment is founded, and every schedule thereunto annexed; and the said draft, or some schedule thereunto annexed, whether made by or under the direction of the valuers or commissioners or assistant commissioners, shall state the name¹ or description and the true or estimated quantity in statute measure

Form of Apportionment.

This form of apportionment must be strictly followed in the case of either voluntary or compulsory apportionment. It will repeat the agreement or award for the whole sum and its schedule, and add the following particulars:—

1. The name, description, and statute measure of the several lands of each landowner.
2. Names and descriptions of the proprietors.
3. And of the occupiers.
4. Mode of cultivation at the time of the apportionment.
5. With references to a map or plan.
6. And add such map or plan, with corresponding references.
7. The amount charged on such several lands.
8. To whom and in what right payable.

of the several lands to be comprised in the apportionment, and shall set forth the names¹ and description of the several proprietors and occupiers² thereof, and whether the said several lands are then cultivated⁴ as arable, meadow, or pasture land, or as wood land, common land, or howsoever; otherwise, and shall refer,⁵ by a number set against the description of such lands, to a map or plan⁶ to be drawn on paper or parchment, and the same number shall be marked on the representation of such lands in the said map or plan; and the draft of the apportionment shall also state the amount⁷ charged upon the said several lands, and to whom⁸ and in what right the same shall be respectively payable.

Comptroller of
Corn Returns
to publish
Average Price
of Corn.

56. And be it enacted, that immediately after the passing of this Act, and also in the month of *January* in every year, the comptroller of corn returns for the time being, or such other person as may from time to time be in that behalf authorized by the privy council, shall cause an advertisement to be inserted in the *London Gazette*, stating what has been, during seven years ending on the *Thursday* next before *Christmas* day then next preceding, the average price of an imperial bushel of *British* wheat, barley, and oats, computed from the weekly averages of the corn returns.

Rent-charges
to be valued

57. And be it enacted, that every rent-charge^k

^k The corn returns are made weekly from 150 towns in England and Wales, under the 9 Geo. 4, cap. 60. The returns ending Christmas, 1835, are those on which all commutations, at whatever period they may be made, will be founded.

They are for an imperial bushel of Wheat, 7s. 0½d.

„ „ Barley, 3s. 11¾d.

„ „ Oats, 2s. 9d.

The progress of every commutation will be as follows:—

1st. To ascertain the gross annual amount in money-value of the tithes which have been paid in any parish or district; calculated in the case of an award by the Commissioners, on an average of seven years, ending Christmas 1835, upon the principles of the Clauses 37 to 52.

charged upon any lands by any such intended apportionment shall be deemed at the time of the confirmation of such apportionment, as hereinafter provided, to be of the value of such number of imperial bushels and decimal parts of an imperial bushel of wheat, barley, and oats as the same would have purchased at the prices so ascertained by the advertisement to be published immediately after the passing of this Act,

according to
the average
price of Corn,
according to
returns ending

2dly. To ascertain how many bushels of each of the three kinds of grain would be purchased with such amount at the average prices ascertained by the returns, ending Christmas, 1835; as, *e.g.*, if the gross amount be 300*l.*, 100*l.* would be calculated as if laid out in wheat; 100*l.* in barley; 100*l.* in oats.

3dly. To ascertain in each succeeding year the money-value of this number of bushels of each kind of grain, at the price fixed by the average of the seven years, ending at the then preceding Christmas. Thus, suppose the whole amount ascertained before Christmas, 1836, is 300*l.*, then taking nearly the average prices of the seven years ending Christmas, 1835, and neglecting the fractions, one-third of the 300*l.*, or 100*l.*, at 7*s.* per bushel, would give 286 bushels of wheat.

100*l.*, at 4*s.* per bushel, would give 500 bushels of barley.

100*l.*, at 2*s.* 9*d.* per bushel, would give 727 bushels of oats. Supposing that at Christmas, 1836, the average price of the seven preceding years should be—

Wheat, 6*s.* per bushel
Barley, 3*s.* 6*d.* do.
Oats, 2*s.* 6*d.* do.

The rent-charge of 1837 would be—

		£	s.	d.
286	bushels of Wheat, at 6 <i>s.</i> =	85	16	0
500	„ Barley, 3 <i>s.</i> 6 <i>d.</i> =	87	10	0
727	„ Oats, 2 <i>s.</i> 6 <i>d.</i> =	90	17	6
Total for 1837 . . .		264	3	6

And the like process would take place in every future year, according to Clause 67; the money-value varying according to the price of the seven years' returns ending at the then preceding Christmas.

It was strongly urged that the price of meat should be taken as a criterion; but even if this were desirable, it is to be recollected that there is no machinery for ascertaining the price with sufficient accuracy.

in case one-third part of such rent-charge had been invested in the purchase of wheat, one-third part thereof in the purchase of barley, and the remaining third part thereof in the purchase of oats; and the respective quantities of wheat, barley, and oats so ascertained shall be stated in the draft of every apportionment.

Rent-charge
may be
specially
apportioned
on particular
Lands at
request of any
Landowner.

58. And be it enacted,¹ that it shall be lawful for the valuers or commissioners or any assistant commissioner, upon the request of any landowner, at any time before the confirmation of the apportionment, to apportion the whole rent-charge intended to be charged upon any lands of such landowner held under the same title and for the same estate, in the same parish, specially upon the several closes or portions of such lands, or according to an acreable rate or acreable rates, upon lands of different quality, in such manner and in such proportion, and to the exclusion of such of them as the landowner, with the consent of the person entitled to such rent-charge, may direct; and the particulars of every such special apportionment shall be included in the draft of the apportionment and taken to be a part thereof: Provided always, that the extra expenses of every such special apportionment shall be borne by the party at whose instance the same shall have been made, and shall be recoverable as other costs of the apportionment are recoverable; and that no close of land shall be

How Expenses
to be paid.

No Close to be
charged unless

¹ This is an important provision, as it will enable landowners to redeem their tithes to a very great extent, by charging them on any particular lands of the requisite value; so by fixing them at a sum per acre, each portion of the land will bear only its own burthen, and not be charged with the whole rent-charge fixed on the other lands of the owner. (See Clause 72, for alteration of apportionment after final confirmation by commissioners.)

This and the eight following clauses are applicable to every apportionment whether voluntary or compulsory.

charged with any rent-charge or share of rent-charge on account of the tithes of any other lands, unless the value of such lands shall be at least three times the value of the whole rent-charge upon such lands. three times the value of the Rent-charge.

59. And be it enacted, that for the purpose of making any such apportionment, as well as for the purpose of making any award as hereinbefore provided, the commissioners and assistant commissioners may employ such land surveyors and tithe valuers as to them shall seem fit, and may order them to be paid for valuing, surveying, mapping, and planning after any rate not exceeding two guineas to every such person for every day that he shall have been so employed, and may assess the same as part of the expenses of making their award or apportionment respectively; and the said commissioners and assistant commissioners, and the land surveyors and tithe valuers employed by them respectively, shall have all the powers and be subject to all the provisions hereinbefore enacted concerning the valuers appointed at a parochial meeting, except that they shall not be bound to adopt any principles of apportionment agreed to at any parochial meeting: Provided always, that it shall be lawful for such commissioners and assistant commissioners to make any agreement with any such land surveyors or tithe valuers for the payment to the same of one sum for the whole duty, or any part thereof, to be performed by them respectively.^m Commissioners may employ Surveyors.

Commissioners to have the power of Valuers as to entry in Lands, &c.

^m The landowners who appoint the valuers in case of voluntary agreement or apportionment, will, of course, make their own terms, recollecting that it will be ground of appeal by any person bound by the agreement, though not a party to it, if the expense, which all will have to share, be excessive.



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Apportionment to be signed by the person making it, and sent with the plan to the Commissioners.

60. And be it enacted, that the draft of every apportionment, whether made by or under the direction of the commissioners or any assistant commissioner, or by any valuer or valuers appointed as hereinbefore is provided,ⁿ shall be signed by the person by or under whose direction it shall have been made, and shall be sent,^o together with the map or plan therein referred to, by the person by whom it is signed, to the office of the commissioners, or otherwise to some assistant commissioner, as the commissioners may direct, with such proof as the commissioners may require, that every proceeding incident to the making of such draft of apportionment has been duly performed.^p

Commissioners may hear and determine objections to Apportionment,

61. And be it enacted, that as soon as the draft of any such apportionment, verified as aforesaid, shall have been sent to the commissioners, they shall cause a copy of the same to be deposited at some convenient place within the said parish, for the inspection of all persons interested in the said lands or tithes, and shall forthwith cause notice to be given, in such manner as to them shall seem fit, where the said copy may be inspected; and shall also in such notice appoint some convenient place, and such times as they shall think necessary (the first not earlier than twenty-one days from the first giving of such notice), for holding a meeting to hear objections to the intended apportionment, by any person interested therein; and the said commissioners or some assistant commissioner at such meeting

and appoint Meeting for the purpose.

ⁿ Clauses 32, 3, 54. and 59.

^o If not forthwith sent, the commissioners may apportion the rent-charge. (Clause 54.)

^p This provision must be carefully attended to, so that as little time may be lost as possible in transmitting the apportionment, duly signed by the valuers, &c., to the commissioners.

as aforesaid shall hear and determine any objections which may be then and there made to the said intended apportionment, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the lands or any of them; and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said commissioners or assistant commissioner shall have heard and determined all such objections, they and he are and is hereby required to cause such apportionment to be amended accordingly if they or he shall see occasion.^q

Award to be amended if Commissioners shall see occasion.

62. And be it enacted,^r that it shall be lawful for the owner of any lands chargeable with any

Landowner may give twenty acres of

^q It will be a proper precaution for every tithe-payer and owner to inspect this document when deposited, in order to judge of its accuracy in his own case, and to object in due time, as, after the confirmation, the rent-charge is irrevocably fixed. (Clause 66.) This provision for hearing objections to the apportionment is similar to that for objections to the confirmation of the compulsory award of the total rent-charge. (Clause 51.) Before confirming the parochial agreement, the commissioners, by Clause 27, have to make inquiry, and be satisfied of its accuracy, and would then dispose of any objections to that stage of the commutation.

^r This clause is to the same effect as Clause 29, with the exception of the stage of commutation at which it takes place, and of its being a licence to individual land-owners. In the former provision it was parochial, because no individual agreements for commutation are allowed, previous to the interference of the commissioners. Here, as they have already fixed the amount of rent-charge over the whole parish, it is allowed to individuals to give land by way of commutation for the charge fixed on them before the apportionment is finally confirmed. But in this case, as

Land in exchange for Ecclesiastical Tithes or Rent-charge.

such rent-charge, to agree at any time before the confirmation of any such instrument of apportionment with any ecclesiastical person, being the owner of the tithes thereof in right of any spiritual benefice or dignity, for giving land instead of the rent-charge charged or about to be charged upon his lands; and every such agreement shall be made under the hands and seals of the landowner and titheowner, and shall contain all the particulars hereinbefore required to be inserted in a parochial agreement for giving land instead of tithes or rent-charge: Provided always, that no such titheowner shall be enabled to take or hold more than twenty imperial acres of land in the whole, by virtue of any such agreement or agreements made in the same parish; and the same consent and confirmation relatively to the lands and tithes comprised in the said agreement shall be necessary to any such agreement, as in the case of a parochial agreement for giving land instead of tithes; and all the provisions hereinbefore contained concerning a parochial agreement for giving land shall be applicable to every such agreement as hereinbefore last mentioned, so far as concerns the lands and tithes comprised in the said agreement: Provided also, that any amendment which shall be made in the draft of apportionment before confirmation thereof, and subsequent to any such agreement for giving land instead of rent-charge, whereby the charge upon the lands referred to in such agreement shall be altered, shall be taken to annul the execution of such agreement for giving land, and any consent which may have been necessary thereunto.*

With like consent, &c. as in case of Parochial Agreement for Land.

Former Agreement for Land to be annulled by subsequent Agreement.

in Clause 29, the power is limited to twenty acres, and to ecclesiastical tithe.

* This proviso is clearly necessary: for a landowner might have agreed to give, say three acres, in lieu of the rent-charge fixed upon him by the first draft of the

63. And be it enacted, that after such proceedings as aforesaid shall have been had, and all such objections (if any) shall have been finally disposed of, the commissioners or assistant commissioner shall cause the instrument of apportionment to be engrossed on parchment, and shall annex the map or plan thereunto belonging to the engrossed instrument of apportionment, and shall sign the instrument of apportionment, and the map or plan, and shall send both to the office of the commissioners; and if the commissioners shall approve the apportionment they shall confirm the instrument of apportionment under their hands and seal, and shall add thereunto the date of such confirmation.¹

Confirmation of apportionment by the Commissioners.

Map or Plan to be annexed.

64. And be it enacted, that two copies of every confirmed instrument of apportionment, and of every confirmed agreement for giving land instead of any tithes or rent-charge, shall be made and sealed with the seal of the said commissioners; and one such copy shall be deposited in the registry of the diocese within which the parish is situated, to be there kept among the records of the said registry, and the other copy shall be deposited with the incumbent and church or chapel wardens of the parish for the time being, or such other fit persons as the commissioners shall approve, to be kept by them and their successors in office with the public books, writings, and papers of the parish; and all persons interested therein may have access to and be fur-

Copies to be deposited in Registry of Diocese, and with Incumbent and Churchwardens.

apportionment, but on appeal his charge might eventually prove of the value of four or only two, and an alteration in the bargain would be required accordingly.

¹ This confirmation of the apportionment is, in effect, the completion of the commutation.

May be inspected and Copies furnished.

Recitals to be Evidence of Facts recited.

Commissioners may require notice of Agreements or Awards, to be given to Reversioner.

Agreements, Awards, and Apportionments not to be questioned after confirmation.

Lands to be discharged from Tithes,

nished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of two shillings and six-pence for such inspection, and after the rate of three-pence for every seventy-two words contained in such copy or extract; and every recital or statement in or map or plan annexed to such confirmed apportionment or agreement for giving land, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such plan.

65. And be it enacted, that the commissioners, if they shall see fit, before confirming any agreement,^u award,^v or apportionment,^w may require notice thereof to be given in such manner as they shall direct to the person next in remainder, reversion, or expectancy of an estate of inheritance in any lands or tithes, or any other person to whom they may think notice ought to be given, and may by themselves or by some assistant commissioner hear and determine any objection made to such confirmation by any person interested therein, and may direct any award or apportionment to be amended accordingly.

66. And be it enacted, that no confirmed agreement, award, or apportionment shall be impeached after the confirmation thereof, by reason of any mistake or informality therein, or in any proceeding relating thereunto.

67. And be it enacted, that from the first day of *January* next following the confirmation of every such apportionment,^x the lands of the said

^u See Clause 27. ^v See Clause 51. ^w See Clause 63.

^x The tithes will be payable up to the 1st of *January* next after the date of confirmation of the award. The first half-

parish shall be absolutely discharged from the payment of all tithes, except so far as relates to the liability of any tenant at rack-rent dissenting as hereinafter provided,⁷ and instead thereof there shall be payable thenceforth to the person in that behalf mentioned in the said apportionment a sum of money equal in value, according to the prices ascertained by the then next preceding advertisement, to the quantity of wheat, barley, and oats, respectively mentioned therein, to be payable instead of the said tithes, in the nature of a rent-charge issuing out of the lands charged therewith; and such yearly sum shall be payable by two equal half-yearly payments, on the first day of *July* and first day of *January* in every year, the first payment, except in the case of barren reclaimed lands, as hereinafter provided, being on the first day of *July* next after the lands shall have been discharged from tithes as aforesaid; and such rent-charge may be recovered at the suit of the person entitled thereto, his executors or administrators, by distress and entry as hereinafter mentioned; and after every first day of *January* the sum of money² thenceforth payable in respect of such rent-charge shall vary so as always to consist of the price of the same number of bushels and decimal parts of a bushel of wheat, barley, and oats respectively, according to the prices ascertained by the then next preceding advertisement; and any person entitled from time to time to any such varied rent-charge, shall have the same powers for enforcing payment thereof as are herein contained concerning the original rent-

and Rent-charge paid in lieu thereof.

being money-value of Grain payable instead of Tithes.

Rent-charge to be recovered by Distress and Entry,

and to vary every Year, according to prices ascertained at preceding Christmas.

¹ yearly payment of the rent-charge will be due on the 1st of *July* next following such 1st of *January*.

² The case of tenants at rack-rent dissenting from the agreement is provided for Clause 79.

³ See note to Clause 57.

No Person to be personally liable for Rent-charge.

Payment of Rent-charge on reclaimed Lands to be postponed until Tithes would have been due.

charge: Provided always, that nothing herein contained shall be taken to render any person whomsoever personally^a liable to the payment of any such rent-charge: Provided always, that the rent-charge which shall be apportioned upon any lands in the said parish, which during any part of the said period of seven years preceding *Christmas* one thousand eight hundred and thirty-five were exempted from tithes by reason of having been enclosed under any Act of Parliament, or converted from barren heath or waste ground,^b shall be payable for the first time on the first day of *July*, or first day of *January* next following the confirmation of the apportionment which shall be nearest to the time at which tithes were or would have become payable for the first time in respect of the said lands if no commutation thereof had taken place.

Lands in Parish to be free from the Tithes of lands given in commutation.

68. And be it enacted,^c that from the first day of *January* next following the confirmation of every parochial or other agreement for giving land instead of any tithes or rent-charge, the lands of the parish in which any such agreement shall be made shall be absolutely discharged from the payment of the tithes or rent-charge for which it shall have been agreed that such land shall be given.

^a By this proviso every one is exempt from a personal action for rent-charge, the land out of which it issues being the sole resource for the arrears. (See note^b to Clause 45.)

^b Under 2 and 3 Ed. 6, cap. 13, sec. 5 and 6, barren heath and waste ground newly brought into cultivation, do not pay tithes till after seven years from their being so cultivated. (See Clause 43.)

^c That is, the whole rent-charge of the parish will be diminished by the value of the rent-charge for which the twenty acres were given, under the 29th and 62d Clauses; but whether that diminution shall specially apply to any particular portion, or to the whole gross sum, will depend on special agreement.

69. And be it enacted, that every rent-charge payable as aforesaid instead of tithes, shall be subject to all parliamentary, parochial, and county and other rates,^d charges, and assessments, in like manner as the tithes commuted for such rent-charge have heretofore been subject.

Rent-charge to be liable to Parochial and County Rates.

70. And be it enacted, that all rates and charges to which any such rent-charge is liable shall be assessed upon the occupier of the lands out of which such rent-charge shall issue; and in case the same shall not be sooner paid by the owner of the rent-charge for the time being,^e may be recovered from such occupier in like manner as any poor-rate assessed on him in respect of such lands; and any occupier holding such lands under any landlord, and who shall have paid any such rate or charge in respect of any such rent-charge, shall be entitled to deduct the amount thereof from the rent next payable by him to his landlord for the time being, and shall be allowed the same in account with his landlord; and any^f landlord or owner in possession who shall

How Rates and Charges are to be recovered.

Occupying Tenant paying the same, may deduct Amount from Rent.

^d See note to Clause 37.

^e As the titheowner often is non-resident, or has no property in the parish except tithes, it would be impossible to collect the rate from him, and the rent-charge cannot be taken by distress for rates. Hence it was necessary to make the occupier liable, giving him a power to deduct the amount from his next payment of rent. Tenants must attend to this, or they may have no remedy for recovery of any rent-charge paid by them. This provision is on the same principle as that which was in force for recovery of the property-tax paid by tenants or incumbrancers.

^f The rent-charge is by this Act fixed on the landlord. Hence if the occupier pay the rates assessed in respect of the rent-charge, his first claim is on the landlord, who can always deduct the rate from the rent-charge which he has to pay. And when the landowner has so paid it, or allowed the payment to his tenant, he is empowered by this clause to deduct it from the rent-charge, in account with its owner. If through any cause he may have paid the full rent-charge

have paid any such rate or charge, or from whose rent the amount of any such rate or charge in respect of any such rent-charge shall have been so deducted, or who shall have allowed the same in account with any tenant paying the same, shall be entitled to deduct the amount thereof from the rent-charge, or by all other lawful ways and means to recover the same from the owner of the rent-charge, his executors and administrators; provided that the owner of every such rent-charge shall have and be entitled to the like right of demanding, inspecting,^g and taking copies of every assessment containing such rate or charge, and of appeal against the same, and the like power of prosecuting such appeal, and the like remedies in respect thereof, as any occupier or rate-payer has or may have in the case of poor-rates, although such rate or charge is herein made assessable upon the occupier, and the owner of the rent-charge is not mentioned by name in such assessment.

Rent-charge to be subject to the same encumbrances and incidents as Tithe before this Act.

71. And be it enacted,^h that any person having any interest in or claim to any tithes, or to any charge or encumbrance upon any tithes, before the passing of this Act, shall have the same right to or claim upon the rent-charge for which the same shall be commuted as he had to or upon the tithes, and shall be entitled to have the like remedies for recovering the same as if his

without providing for the deduction, he may still have his remedy under the words, "by other lawful ways and means to recover the same."

^g The occupier who is assessed, has no interest in appealing, hence this right of inspecting the rate, and of appeal against it, is necessary as a protection to the owner of the rent-charge from being fixed with undue assessment.

^h The effect of the first part of this clause is merely to put rent-charge and tithes on the same footing as to encumbrances, and charges existing, previous to the passing of the Act.

right or claim to or upon the rent-charge had accrued after the commutation; provided that nothing herein contained shall give validity to any mortgage or other encumbrance which before the passing of this Act was invalid or could not be enforced; and every estate for life, or other greater estate, in any such rent-charge, shall be taken to be an estate of freehold;¹ and every estate in any such rent-charge shall be subject to the same liabilities and incidents as the like estate in the tithes commuted for such rent-charge;² and where any lands were exempted from tithe whilst in the occupation of the owner thereof by reason of being glebe, or of having been heretofore parcel of the possessions of any privileged order, the same lands shall be in like manner exempted from the payment of the rent-charge apportioned on them whilst in the occupation of the owner thereof; and where by virtue of any Act or Acts of Parliament heretofore passed, any tithes are authorized to be sold, exchanged, appropriated, or applied in any way, the rent-charges for which such tithes may be commuted under the provisions of this Act, or any part thereof, shall or may be saleable or exchangeable, appropriated and applied, to all intents and purposes, in like manner as such tithes; and the same powers of sale, exchange, and appropriation shall in all such cases extend to and may be exercised in respect of the said commutation rent-charges;³ and the money to arise by the

Estates for
Lives, or greater
Estates, Es-
tates of Free-
hold.

Provision for
certain Exemp-
tions,

and for cases of
Tithes com-
muted under
Local Acts.

¹ This places the rent-charge on the same footing as tithes, which are a freehold, though issuing perhaps out of copyhold property.

² As dower, liability to sequestration in case of ecclesiastical tithe, liability to provide a curate, or to repair the chancel, and the like.

³ This provision places rent-charges under this Act on the same footing as tithes commuted under local Acts.

Rent-charge
not to merge,

but Tenant in
Fee may de-
clare the same
merged.

sale of such rent-charges shall or may be invested, appropriated, and applied to the same purposes and in like manner as the money to arise by the sale of any such tithes might have been invested, appropriated and applied under such particular Act or Acts in case this Act had not been passed; and no such rent-charge shall merge or be extinguished in any estate of which the person for the time being entitled to such rent-charge may be seized or possessed in the lands on which the same shall be charged: Provided always, that it shall be lawful for any person seized in possession of an estate, in fee-simple or fee-tail of any tithes or rent-charge in lieu of tithes, by any deed or declaration under his hand and seal, to be made in such form as the said commissioners shall approve, and to be confirmed under their seal, to release, assign, or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the lands on which the same shall have been charged.^m

Apportionment
may be altered
by Commis-
sioners of
Land-tax, if
desired.

72. And be it enacted, that if at any time subsequent to the confirmation of any such instrument of apportionment the owner of any lands charged with any such rent-charge shall be desirous that the apportionment thereof shall be altered,ⁿ it shall be lawful for the commissioners

^m This power is analogous to the power for redeeming or purchasing the land-tax.

ⁿ In case any landowner be desirous of effecting a new apportionment, so as to sell part of his lands, free of rent-charge, and have made no such apportionment previous to the award being confirmed by the commissioners, under the provisions of Clause 59, this clause enables him to do it, through the machinery of the land-tax commissioners, and two justices; the effect is the same as Clause 58. The reference to the commissioners of the land-tax provides a good local authority, as evidence of the fairness of the pro-

of land tax for the county or place where the said lands are situate, or any three of them, to alter the apportionment in such manner and in such proportion and to the exclusion of such of the lands as the landowner, with the consent of two justices of the peace acting for the county, riding, division, or other jurisdiction in which the lands are situated, may direct; and such altered apportionment shall be made by an instrument in writing under the hands and seals of the said commissioners of land tax and of the said landowner and justices, of the like form and tenor as to the said lands as the original apportionment, and bearing date the day of its execution by the said commissioners of land tax, subject to the provision hereinbefore contained with respect to the value of lands on which any rent-charge may be charged on account of the tithes of any other lands;° and every such altered apportionment shall be as valid as if made and confirmed by the title commissioners as aforesaid, and shall be taken to be an amendment of the original apportionment; and in every such case two counterparts of the instrument of altered apportionment, under the hands and seals of the said commissioners of land tax and justices and landowner, shall be sent, one to the registrar of the diocese, and one to the incumbent and church or chapel wardens, or other person having the custody of the other copy of the original instrument of apportionment; and one counterpart shall be annexed to the copy of the instrument of apportionment in the custody of the registrar and such other person respectively,

Mode of effect-
ing this.

ceeding; and the choice of the land-tax commissioners is similar to that which was adopted under the Property-tax Acts, where they were chosen as the commissioners of appeal under those Acts.

° See Clause 58.

and taken to be an amendment thereof; and thenceforward such lands shall be charged only according to such altered apportionment; and all expenses of such alteration shall be borne by the landowner desiring the same.

Expenses of
Witnesses to be
paid under the
direction of the
Commissioners.

73. And be it enacted,^p that the commissioners or assistant commissioner, in any case where they or he may see fit, may order such expenses of witnesses, and of the production of any books, deeds, contracts, agreements, accounts, or writings, terriers, maps, plans, and surveys, or copies thereof, and all other expenses (except the salary or allowance to any commissioner or assistant commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection to any award or apportionment before the said commissioners or any assistant commissioner, to be paid by such parties interested in the production thereof respectively, or in the event of such suit, difference, or objection, and in such proportions as the commissioners or assistant commissioner shall think fit and reasonable.

Expenses of
making any
Award to be
paid by the
Landowners
and Tithe-
owners as the
Commissioners
may direct.

74. And be it enacted,^q that the allowances to and expenses of land surveyors and tithe valuers necessary for making any award, and all other expenses of or incident to making the said award, except the salary or allowance to any commissioner or assistant commissioner, and

^p The expenses of witnesses, production of books, &c. may be beneficial to both landowners and titheowners, or either, and hence the commissioners may award the expenses as the case may require, and according to the interest of the parties.

^q Titheowner and landowner are both interested in this award, and hence the commissioners have only to fix the proportion of expense to be borne by each.

except any expenses which the commissioners or any assistant commissioner, or any court or arbitrator, may be authorized to order and may have ordered to be otherwise paid, shall be borne and paid by the landowners and titheowners interested in the said award, in such proportion, time, and manner as the commissioners or assistant commissioner shall direct.

75. And be it enacted,^r that all the expenses of or incident to making any apportionment (except the salary or allowance to any commissioner or assistant commissioner, and except any expense which the commissioners or assistant commissioner may be authorized and may have ordered to be otherwise paid,) shall be borne and paid by the owners of lands included in the apportionment in ratable proportion to the sum charged on the said lands in lieu of tithes by such apportionment.

Expenses of Apportionment to be borne ratably by the Landowners.

76. And be it enacted, that if any difference shall arise touching the said expenses, or the share thereof to be paid by any person, it shall be lawful for the commissioners or some assistant commissioner to certify under their or his hand the amount to be paid by such person; and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any two justices of the peace for the county or other jurisdiction wherein the lands mentioned in the agreement or award or apportionment are situate, such justices, upon the non-payment thereof, are hereby required, by warrant under

Expenses may be recovered by Warrant of Distress.

^r The apportionment of the gross rent-charge being a matter concerning the landowners alone, they alone are to bear the expenses.

their hands and seals, to cause the same and the costs of the distress to be levied by distress and sale of the goods of the person liable to pay the same, and to render the surplus (if any), after deducting the charges of the distress and sale, to the person distrained upon.

Owners of particular Estates may charge the Costs on the Estate for Twenty Years.

77. And be it enacted, that every owner of an estate in land or tithes less in the whole than an immediate estate of fee-simple or fee-tail, or which shall be settled upon any uses or trusts, may, with the consent of the commissioners, and in such manner as they may direct, charge so much of the expenses of commutation as is to be defrayed by him, or any part thereof, and the interest thereon, after the rate of four pounds by the hundred, upon the lands whereof the tithes are commuted, or upon the rent-charge to be received by him instead of such tithes respectively; but so nevertheless that the charge upon such lands or rent-charge respectively shall be lessened in every year following such commutation by one-twentieth part at least of the whole original charge thereon.

Costs of Ecclesiastical Titheowners may be charged on the Benefice for Twenty Years.

78. And be it enacted, that every ecclesiastical beneficed person who shall commute the tithes of his benefice under this Act, may advance or borrow the sum necessary to defray so much of the expenses of commutation as is to be defrayed by him, or any part thereof, and as a security for repayment may charge or assign the rent-charge to be received instead of such tithes for twenty years, or until the principal sum advanced or borrowed, and the interest thereon, after the rate of four pounds by the hundred, and the expenses of such charge or assignment, shall be sooner paid; and every incumbent successively shall pay the interest of the sum

advanced or borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within one calendar month next following, and also an instalment at the rate of five pounds for every hundred pounds of the principal sum advanced or borrowed; and in default of such payment the ordinary may sequester the profits of the benefice until such payments shall be made: Provided that the sum to be so advanced or borrowed shall be ascertained and certified under the hand of any commissioner or assistant commissioner, and shall be by him stated to have been the amount of such expenses properly incurred by such ecclesiastical beneficed person in relation to such commutation.

79. And be it enacted, that any tenant or occupier who at the time of such commutation shall occupy at rack-rent any lands of which the tithes shall be so commuted, may, within one calendar month next after the confirmation of the apportionment by the commissioners, signify by writing under his hand, given to or left at the usual residence of his landlord or his agent, his dissent from being bound to pay any rent-charge apportioned and charged on the said lands as aforesaid,^t and in that case such landlord shall be entitled, from the time when the said apportionment shall take effect, and during the tenancy or occupation of such tenant or occupier, to stand, as to the perception and collec-

If Tenant of Lands at Rack-rent dissent from paying the Rent-charge, the Landlord may take the Tithes during the Tenancy.

It is scarcely probable that any tenant will dissent from paying a rent-charge in preference to having his tithes taken in kind; but should there be such a case, this clause provides for it, and enables such a party to continue paying tithes to his landlord, who having commuted, will pay the rent-charge to its owner, but becomes the titheowner as between himself and his tenant. Tenants wishing to dissent should observe the provisions of this clause.

tion of tithes, or receipt of any composition instead thereof, in the place of the owner of the tithes so commuted, and to have all the powers and remedies for enforcing render and payment of such tithes or composition which the titheowner would have had if the commutation had not taken place.

Tenant paying Rent-charge to be allowed the same in account with his Landlord.

80. And be it enacted, that any tenant or occupier at the time of such commutation who shall have signified his dissent from being bound to pay any such rent-charge as aforesaid, or who shall hold his lands under a lease or agreement, providing that the same shall be holden and enjoyed by him free of tithes, and every tenant or occupier who shall occupy any lands by any lease or agreement made subsequently to such commutation, and who shall pay any such rent-charge, shall be entitled to deduct the amount thereof from the rent payable by him to his landlord, and shall be allowed the same in account with the said landlord.

When Rent-charge is in arrear for 21 Days after half-yearly days of payment, the person entitled thereto may distrain.

81. And be it enacted, that in case the said rent-charge shall at any time be in arrear and unpaid for the space of twenty-one days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left ten days' notice in writing at the usual or last known residence of the tenant in possession, to distrain upon the lands liable to the payment thereof, or on any part thereof, for all arrears of the said rent-charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto as any landlord may for arrears of rent reserved on a common lease for years: Provided that not more than two years' arrears shall at any time be recoverable by distress.

No more than two years' arrears to be recoverable.

32. And be it enacted, that in case the said rent-charge shall be in arrear and unpaid for the space of forty days next after any half-yearly day of payment, and there shall be no sufficient distress on the premises liable to the payment thereof, it shall be lawful for any judge of His Majesty's courts of record at *Westminster*, upon affidavit, of the facts, to order a writ to be issued, directed to the sheriff of the county in which the lands chargeable with the rent-charge are situated, requiring the said sheriff to summon a jury to assess the arrears of rent-charge remaining unpaid, and to return the inquisition thereupon taken to some one of His Majesty's courts of law at *Westminster*, on a day therein to be named, either in term time or vacation; a copy of which writ, and notice of the time and place of executing the same, shall be given to the owner of the land, or left at his last known place of abode, or with his known agent, ten days previous to the execution thereof; and the sheriff is hereby required to execute such writ according to the exigency thereof; and the costs of such inquisition shall be taxed by the proper officer of the court; and thereupon the owner of the rent-charge may sue out a writ of *habere facias possessionem*, directed to the sheriff, commanding him to cause the owner of the rent-charge to have possession^u of the lands chargeable therewith until the arrears of rent-charge found to be due, and the said costs, and also the costs of such writ and of executing the same, and of cultivating and keeping possession of the lands, shall be fully satisfied: Provided always, that

When Rent-charges are in arrear for 40 Days after half-yearly days of payment, and no sufficient Distress on the premises, Writ to be issued directing Sheriff to summon Jury to assess arrears.

^u The powers of distress and entry are incidental to every case of ordinary rent-charge. The remedy here provided is cheaper and more expeditious than an ejectment, being similar to an inquisition on judgment.

not more than two years' arrears over and above the time of such possession shall be at any time recoverable.

Account, how
to be rendered.

83. And be it enacted,^x that it shall be lawful for the court out of which such writ shall have issued, or any judge at chambers, to order the owner of the rent-charge who shall be in possession by virtue of such writ, from time to time to render an account of the rents and produce of the lands and of the receipts and payments in respect of the same, and to pay over the surplus (if any) to the person for the time being entitled thereunto, after satisfaction of such arrears of rent-charge and all costs and expenses as aforesaid, and thereupon to order a writ of supersedeas to issue to the said writ of habere facias possessionem, and also by rule or order of such court or judge from time to time to give such summary relief to the parties as to the said court or judge shall seem fit.

84. Provided always, and be it enacted,^y that in all cases in which it shall be necessary to make any distress under this Act in respect of

^x This clause provides for rendering an account of the rents and produce whilst the lands are held by the titheowner under the powers of entry. The remedy of taking this account before a judge at chambers, instead of the costly process of a chancery suit, is infinitely less burthensome, and far more efficient for all parties. Whenever this power is put in force it will behove the titheowner to be very careful in taking and keeping an accurate account of all his costs, outlay of capital, and returns, and to preserve vouchers for each. The want of vouchers is a very common case with idle or negligent accounting parties; but as they are the only sure protection to the person entitled to call for the account, it is injustice to him to allow any item not duly vouched.

^y By 7 and 8 William 3, cap. 34, two justices are empowered to convene before them any Quaker refusing

any lands in the possession of any person of the persuasion of the people called Quakers, the same may be made upon the goods, chattels, or effects of such person, whether on the premises or elsewhere, but nevertheless to the same amount only and with the same consequences in all respects as if made on the premises; and that in all cases of distress under this Act upon persons of that persuasion, the goods, chattels, or effects which may be distrained,² shall be sold without its being necessary to impound or keep the same: Provided always, that no writ under the provision hereinbefore contained shall be issued for assessing or recovering any rent-charge payable under this Act, in respect of any lands in the possession of any person of the persuasion aforesaid, unless the same shall be in arrear and unpaid for the space of forty days next after any half-yearly day of payment, without the person entitled thereto being able to find goods, chattels, or effects, either on the premises or elsewhere, liable to be distrained as aforesaid, sufficient to satisfy the arrears to which such lands are liable, together with the reasonable costs of such distress.

How to proceed in case of Quakers.

85. And be it enacted, that whenever any rent-charge payable under the provisions of this Act shall be in arrear, notwithstanding any apportionment which may have been made of any

Powers of Distress and Entry to extend to all Lands within

to pay tithes, and to distrain for the amount, if under 10*l*., with a power of appeal to the quarter sessions. This provision is made perpetual by 1 Geo. 1, stat. 2, cap. 6, and extended to 50*l*. by 53 Geo. 3, cap. 127, sec. 6. See also 5 & 6 W. 4, cap. 74.

² The provision that it shall not be necessary to impound the distress, is an advantage to the person who distrains, as the distress may be sold instanter. The clause was introduced at the request of some highly respectable members of the Society of Friends, and settled to their satisfaction.

the Parish,
occupied by the
Owner, or
under the same
Landlord or
holding.

such rent-charge, every part of the land situate in the parish in which such rent-charge shall so be in arrear, and which shall be occupied by the same person who shall be the occupier of the lands on which such rent-charge so in arrear shall have been charged, whether such land shall be occupied by the person occupying the same as the owner thereof or as tenant thereof, holding under the same landlord under whom he occupies the land^a on which such rent-charge so in arrear shall have been charged, shall be liable to be distrained upon or entered upon as aforesaid for the purpose of satisfying any arrears of such rent-charge, whether chargeable on the lands on which such distress is taken or such entry made, or upon any other part of the lands so occupied or holden: Provided always, that no land shall be liable to be distrained or entered upon for the purpose of satisfying any such rent-charge charged upon lands which shall have been washed away by the sea, or otherwise destroyed by any natural casualty.^b

No Land liable
to be distrained
on for Rent-
charge of
Lands washed
away, &c.

Powers of
4 & 5 W. 4.
to extend to

86. And be it enacted, that the several provisions of an Act passed in the fourth and fifth

^a A provision to prevent the shifting of goods, and so avoiding the distress. The effect of the clause is to extend the power of distress over all the lands in the parish occupied by the person having to pay the rent-charge, if he be the owner of the lands subject to it, or over all the lands of such owner held by the tenant of the land subject to the rent-charge. Thus, if A. be owner and occupier of White-acre, and occupier only of Black-acre, B., the titheowner, may distrain and enter for arrears of rent-charge issuing out of Black-acre, on both White and Black-acre, so long as A. occupies both. Or if the rent-charge in arrear be issuing out of Black-acre, and if A. be tenant of both, under C., B., the titheowner, may enter on either, or both, for the rent-charge of either or both.

^b In these cases where the land is, in fact, lost or destroyed, the claim to rent-charge is gone also; as there is no personal liability to its payment. (See note to Clause 67.)

years of His present Majesty, intituled, *An Act to amend an Act of the Eleventh Year of King George the Second, respecting the Apportionment of Rents, Annuities, and other periodical Payments*, shall extend to all rent-charges payable under this Act.^c

Rent-charges under this Act.

87. And be it enacted, that if any barns or buildings belonging to any titheowner, having a limited estate or interest therein, which shall have been generally used for the housing of tithes paid in kind, shall be rendered in the whole or in part useless by reason of any commutation of tithes under this Act, it shall be lawful for every such titheowner^d (with the consent, nevertheless, of the commissioners, and subject to such directions as they may give, to be signified under their hands and seal,) to pull down any such barns or buildings, or any part thereof, and to sell and dispose of the materials, or to sell and dispose of all or any of such barns or buildings, and the site thereof, and either with or without any farm buildings or homesteads thereunto belonging, in such manner as the commissioners may direct; and upon payment of the consideration money, it shall be lawful for every such titheowner (with such consent as aforesaid) to convey and deliver the premises sold as aforesaid to the purchaser thereof, or to such uses and in such manner as such purchaser shall direct; and the consideration money in each case shall be paid to such

Provisions for the sale of Buildings and the sites thereof rendered useless or unnecessary by the Commutation of Tithes.

^c That is, the amount is apportionable as if it accrued *de die in diem*, and goes between heirs and executors, or on a change of incumbency, up to the day on which the change occurs.

^d It is to be observed, that the consent of the commissioners is essential to any sale under this provision, and they alone can direct how the proceeds are to be disposed of.

titheowner, and his receipt shall be a good discharge to the purchaser; and such titheowner shall lay out and invest the consideration money in such manner and for such trusts as the commissioners shall direct for the benefit of the persons entitled to the said rent-charge.

Leases of
Tithes may be
surrendered.

88. And be it enacted, that it shall be lawful for the lessee^e being in occupation of any tithes commuted under this Act, by an instrument in writing under his hand and seal, to be made in such form as the commissioners shall direct, and confirmed under their seal, to surrender and make void the lease by which the said tithes are held or enjoyed by such lessee at the time of the commutation, so far as the same may relate to the said tithes; and it shall be lawful for the commissioners, by the same instrument, to direct what compensation (if any) shall be given by the immediate lessor of any lessee at rack-rent so surrendering any lease of any such tithes to such lessee,^f and what allowance (if any) shall be made by any lessee to his immediate lessor of any such surrendered lease, in consideration of the non-fulfilment of any conditions contained in such lease, and what deduction (if any) shall be made from the rent thenceforth payable by any lessee to his immediate lessor in

* Any lessee, to avail himself of this clause, must be in the occupation of the tithes on his surrender to the lessor; the latter, by the proviso at the end of this clause, is deemed to have become the lessee in occupation, and so forth, till the first lessor of the tithes is arrived at.

^f Suppose, for instance, that A. has made a beneficial lease to B. of lands and tithes, containing covenants for the repair of the farm buildings, possibly B. would not have taken the land unless he could have had the tithes with it; and, upon surrendering his lease, A. ought to make allowance for the benefit of the lease, and B. for the non-fulfilment of his covenant.

Some

respect of other hereditaments which may have been included with the said tithes in any such lease : Provided always, that any intermediate lessor to whom any such lease shall have been surrendered shall, as regards his immediate lessor, be taken to be the lessee in occupation of the tithes included in the said lease.

89. And be it enacted, that nothing in this Act contained shall affect any right to any tithes which shall have become due before the commutation, not to be affected.

90. And be it enacted, that nothing in this Act contained, unless by special provision to be inserted in some parochial agreement, and specially approved by the commissioners, in which case the same shall be valid, shall extend to any Easter offerings, mortuaries or surplice fees, or to the tithes of fish or of fishing, or to any personal tithes other than the tithes of mills, or any mineral tithes, or to any payment instead of tithes arising or growing due within the city of *London*, or to any permanent rent-charge or other rent or payment in lieu of tithes, calculated according to any rate or proportion in the pound on the rent or value of any houses or lands in any city or town under any custom or private

Tithes due before Com-
mutation, not
to be affected.

Act not to
extend to
Easter-Offer-
ings, &c. or
to payments
instead of
Tithes in
London, or to
permanent
Rent-charges
by custom or
Act of Parlia-
ment.

Some anxiety has prevailed, both on the part of lessors and lessees, as to the prospect or propriety of renewing dean and chapter leases, and leases of the like kind. It is to be borne in mind, that their relative position remains the same ; for the lessor will be anxious for his fine, and so be content to demise his rent-charges at a sacrifice ; and the lessee, for the sake of that sacrifice, will be content to renew. The Act will destroy speculation, grounded on the uncertainty of the property, and confine the risk and anxiety to the collection of the rent-charges from a numerous body of payers.

* As for instance, when lands are let jointly with the tithes.

Act of Parliament, or to any lands or tenements the tithes whereof shall have been already perpetually commuted or extinguished under any Act of Parliament heretofore made.^b

Advertisements, Contracts, and Awards not to be liable to Stamp Duty.

91. And be it enacted, that no advertisement inserted by direction of the commissioners or any assistant commissioner, or by any titheowner or landowner, in the *London Gazette*, or in any newspaper, for the purpose of carrying into effect any provision of this Act, and no agreement, award, or power of attorney made or confirmed or used under this Act, shall be chargeable with any stamp duty.

Correspondence of Commissioners, relating to this Act, to be free of Postage.

92. And be it enacted, that the said commissioners may receive and send by the general post from and to places in *England* and *Wales* all letters and packets relating exclusively to the execution of this Act, free from the duty of postage, provided that such letters and packets as shall be sent to the said commissioners be directed to the "Tithe Commissioners for *England* and *Wales*," at their office in *London*,

^b There are some descriptions of tithe which, though partly derived, indirectly, from the land, cannot properly be charged on any specific lands, except it be on the premises in which those animals are kept, by which they are directly produced: such are the tithes of the milk and calves of stall-fed cows, and of pigs, poultry, &c. kept in villages or towns. The inconvenience of fixing a permanent rent-charge in lieu of a tithe so transitory and intermitting, was foreseen, and a proviso was therefore framed, excepting them from the operation of this Bill, which, however, was rejected. The consequences are, that supposing sixty or one hundred cows to be now kept, and milked in sheds, the tithe of their milk and calves must be perpetuated against the whole parish, and apportioned by valuers, or by the commissioners, on some lands or premises in that parish. It is much to be feared that this will put difficulties in the way of the voluntary adoption of the Bill in all places where more than a trifling amount of such tithe exists. It is of importance that all parties should be aware of the difficulty.

and that all such letters and packets as shall be sent by the said commissioners shall be in covers, with the words "Tithe Commissioners for *England* and *Wales*" printed on the same, and be signed on the outside thereof under such words with the name of such person in his own handwriting as the said commissioners, with the consent of the lords commissioners of the treasury or any three or more of them, shall appoint, (such name to be from time to time sent to the secretary of the General Post-office in *London*,) and be sealed with the seal of the said commissioners, and under such other regulations as the said lords commissioners or any three or more of them shall think fit; and if the person so to be appointed shall subscribe or seal any letter or packet whatever, except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate exclusively to the execution of this Act, or if the person so to be appointed, or any other person, shall send or cause to be sent under any such cover any letter, paper, or writing, or any enclosure, other than shall relate exclusively to the execution of this Act, every person so offending shall forfeit and pay the sum of one hundred pounds, and be dismissed from his office; one moiety of such penalty shall be paid to the use of His Majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same; and every such penalty may be sued for and recovered in any of His Majesty's courts of record in *Westminster*.

93. And be it enacted, that if any person, under the provisions of this Act, shall wilfully give false evidence, he shall be deemed guilty of perjury; and if any person shall make or subscribe a false

False Evidence to be deemed Perjury; withholding Evidence a Misdemeanor.

affidavit or declaration for the purposes of this Act, he shall suffer the penalties of perjury ; and if any person shall wilfully refuse to attend in obedience to any lawful summons of any commissioner or assistant commissioner, or to give evidence, or shall wilfully alter, withhold, destroy, or refuse to produce any book, deed, contract, agreement, account, or writing, terrier, map, plan or survey, or any copy of the same, which may be lawfully required to be produced before the said commissioners or assistant commissioner, he shall be deemed guilty of a misdemeanor.

Limitation of
Actions
against Com-
missioners,
Assistant Com-
missioners,
Justices, &c.

94. And be it enacted, that no action or suit shall be commenced against any commissioner, assistant commissioner, justice of the peace, valuer, umpire, or surveyor, for anything done under the authority of this Act, until twenty-one days' notice thereof shall have been given in writing to the party against whom such action or suit is intended to be brought, or after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, or after three calendar months shall have expired from the commission of the act for which such action or suit shall be so brought ; and every such action shall be brought, laid, and tried in the county or place where the cause of action shall have arisen, and not in any other county or place ; and if it shall appear that such notice of action or suit was brought before twenty-one days' notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before limited in that behalf, or such action shall be laid in any county or place other than as aforesaid, then the jury shall find a verdict for the defendant therein, or the court, upon summary application by motion in any

such suit, may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such suit shall be dismissed upon application as aforesaid, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if upon any demurrer in such action or suit judgment shall be given for the defendant therein, then such defendant shall have costs, charges, and expenses as between attorney and client.

95. And be it enacted, that no order, adjudication, or proceeding made or had by or before the commissioners or any assistant commissioner under the authority of this Act, or any proceeding to be had touching any offender against this Act, shall be quashed for want of form, or be removed or removable by certiorari, or any other writ or process, into any of His Majesty's courts of record at *Westminster*, or elsewhere.

Proceedings under this Act not to be quashed for want of form, nor to be removed by Certiorari.

96. And be it enacted, that this Act shall extend only to *England* and *Wales*.

Limits of Act.

97. And be it further enacted, that this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

May be Amended, &c. this Session.

NOTE.

THE following rule has been communicated to me by Mr. DRINKWATER, by which the variations in the value of any rent-charge may be readily calculated. It will always give less than the true value, but the error will never amount to half a farthing per £1.

RULE. Add together the price of a bushel of wheat, barley, and oats, (as published in the Gazette, according to the Act,) and subtract one-twentieth part of the sum. Call the remainder (*A*).

Add together the price of a bushel of barley, and of two bushels of oats; subtract one-fourth part of the sum, and one-fiftieth part of the remainder. Call the last remainder (*B*).

The sum of (*A*) and (*B*) is the value in any year of that which was £1 at the time of commutation.

Ex. 1. Let the price of wheat be 7*s.* 0½*d.*, barley 3*s.* 11½*d.*, and oats 2*s.* 9*d.* per bushel.

s. d.	
Wheat 7 0½	
Barley 3 11½	
Oats . 2 9	s.
13 8½	or 13.729
.68645	= $\frac{1}{20}$
13.04255	= (<i>A</i>)
6.95494	= (<i>B</i>)

Answer 19.99749

Accurate value 20 Error $\frac{1}{8}$ of a farthing.

s. d.	
Barley 3 11½	
2. Oats . 5 6	s.
9 5½	or 9.46250
2.36562	= $\frac{1}{4}$
7.09688	
14194	= $\frac{1}{50}$
6.95494	= (<i>B</i>)

Ex. 2. Let the price of wheat be 6*s.*, barley 3*s.* 6*d.*, and oats 2*s.* 6*d.* per bushel.

s. d.	
Wheat 6 0	
Barley 3 6	
Oats . 2 6	s.
12 0	12
.6	= $\frac{1}{20}$
11.4	= (<i>A</i>)
6.2475	= (<i>B</i>)

Answer 17.6475

Accurate value 17.6526 Error $\frac{1}{4}$ of a farthing.

s. d.	
Barley 3 6	
2. Oats . 5 0	s.
8 6	= 8.5
2.125	= $\frac{1}{4}$
6.375	
1275	= $\frac{1}{50}$
6.2475	= (<i>B</i>)

The investigation of this rule is very simple.

The present prices, as deduced from the return made to the House of Commons, from the Corn Office, and which will govern the conversions, are those assumed in the first example;—viz. Wheat 7*s.* 0½*d.* Barley 3*s.* 11½*d.* Oats 2*s.* 9*d.*

Let the prices in any following year be, Wheat *X*, Barley *Y*, Oats *Z*.

Then the value of £1 converted at the present prices, and reconverted at the supposed prices, *X*, *Y*, *Z*,

$$= \frac{\begin{smallmatrix} s. & d. \\ 6 & 8 \end{smallmatrix}}{7 \text{ } 0\frac{1}{2}} \cdot X \quad + \quad \frac{\begin{smallmatrix} s. & d. \\ 6 & 8 \end{smallmatrix}}{3 \text{ } 11\frac{1}{2}} \cdot Y \quad + \quad \frac{\begin{smallmatrix} s. & d. \\ 6 & 8 \end{smallmatrix}}{2 \text{ } 9} \cdot Z$$

$$= \frac{320}{337} \cdot X \quad + \quad \frac{320}{190} \cdot Y \quad + \quad \frac{320}{132} \cdot Z$$

$$\frac{320}{337} = .94955 = .95 - .00046$$

$$\frac{320}{190} = 1.6842 = .95 + .7342 = .95 + .735 - .0008$$

$$\frac{320}{132} = 2.4242 = .95 + 1.4742 = .95 + 2 \times .735 + .0042$$

Therefore the value of £1 becomes .95 (*X* + *Y* + *Z*) + .735 (*Y* + 2 *Z*) + .0042 *Z* - (.00046 *X* + .0008 *Y*)

The first line contains the result of the rule for95 = $\frac{19}{20}$
and . . .735 = $\frac{3}{4} (1 - \frac{1}{50})$

The error of the rule is therefore contained in the second line.

A table is subjoined, showing the average price of seven years preceding every year since 1820.

It may be assumed that the average price of wheat will never be more than three times the average price of oats, nor barley more than twice the average price of oats.

With those extreme values the error is still in defect, and amounts to .00122 *Z*.

It may also be assumed, that the average price of wheat will never be less than twice the average price of oats, nor barley less than oats.

With those extreme values the error is at its greatest, and amounts to .0025 *Z*, which is less than half a farthing, so long as *Z* is less than 4*s.* *i. e.* whenever oats are less than 32*s.* per quarter.

*Average Price of Corn during Seven Years ending at
the Christmas preceding each Year.*

Years.	Wheat.	Barley.	Oats.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
1821	75 2	39 0	26 3
1822	72 2	37 10	25 6
1823	68 6	37 6	25 5
1824	63 10	35 7	24 4
1825	61 3	33 8	23 4
1826	59 0	32 0	23 2
1827	57 5	32 4	23 7
1828	58 1	33 4	24 0
1829	61 2	34 10	24 8
1830	62 8	35 0	24 11
1831	63 0	35 3	24 11
1832	61 7	34 3	24 2
1833	60 10	33 3	23 0
1834	59 3	32 3	22 1
1835	56 3	31 10	22 0

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